

# Michigan Register

Issue No. 2– 2005 (Published February 15, 2005)



# GRAPHIC IMAGES IN THE MICHIGAN REGISTER

## COVER DRAWING

### *Michigan State Capitol:*

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

## PAGE GRAPHICS

### *Capitol Dome:*

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19<sup>th</sup> century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

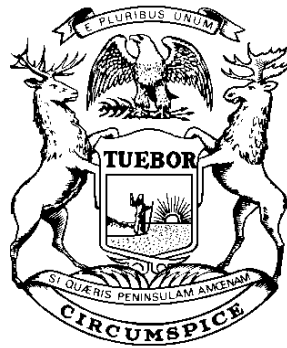
### *East Elevation of the Michigan State Capitol:*

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

# Michigan Register

Published pursuant to § 24.208 of  
The Michigan Compiled Laws



Issue No. 2 — 2005

(This issue, published February 15, 2005, contains  
documents filed from January 15, 2005 to February 1, 2005)

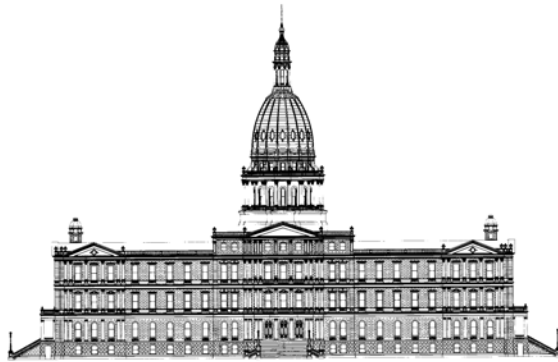
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**Brian D. Devlin**, Director, Office of Regulatory Reform; **Deidre O'Berry**, Administrative Assistant for Operations and Publications.

**Jennifer M. Granholm, Governor**



**John D. Cherry Jr., Lieutenant Governor**

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## PREFACE

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### PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

MCL 24.208 states:

Sec. 8 (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
  - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
  - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
  - (d) Proposed administrative rules.
  - (e) Notices of public hearings on proposed administrative rules.
  - (f) Administrative rules filed with the secretary of state.
  - (g) Emergency rules filed with the secretary of state.
  - (h) Notice of proposed and adopted agency guidelines.
  - (i) Other official information considered necessary or appropriate by the office of regulatory reform.
  - (j) Attorney general opinions.
  - (k) All of the items listed in section 7(1) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217.
- (2) The office of regulatory reform shall publish a cumulative index for the Michigan register.
  - (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
  - (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
  - (5) An agency shall transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

MCL 4.1203 states:

Sec. 203. (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of Michigan register at a price determined by the office of regulatory reform not to exceed cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

#### **CITATION TO THE MICHIGAN REGISTER**

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

#### **CLOSING DATES AND PUBLICATION SCHEDULE**

The deadlines for submitting documents to the Office of Regulatory Reform for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reform is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reform, Department of Management and Budget, Mason Building - Second Floor, 530 W. Allegan, Lansing, MI 48933

### **RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE**

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

### **SUBSCRIPTIONS AND DISTRIBUTION**

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Office of Regulatory Reform, Department of Management and Budget, Mason Building - Second Floor, 530 W. Allegan, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reform (517) 241-1679.

### **INTERNET ACCESS**

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reform: [www.michigan.gov/orr](http://www.michigan.gov/orr)

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reform Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Brian D. Devlin, Director  
Office of Regulatory Reform



## 2005 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2005	February 1, 2005
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6	April 1, 2005	April 15, 2005
7	April 15, 2005	May 1, 2005
8	May 1, 2005	May 15, 2005
9	May 15, 2005	June 1, 2005
10	June 1, 2005	June 15, 2005
11	June 15, 2005	July 1, 2005
12	July 1, 2005	July 15, 2005
13	July 15, 2005	August 1, 2005
14	August 1, 2005	August 15, 2005
15	August 15, 2005	September 1, 2005
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18	October 1, 2005	October 15, 2005
19	October 15, 2005	November 1, 2005
20	November 1, 2005	November 15, 2005
21	November 15, 2005	December 1, 2005
22	December 1, 2005	December 15, 2005
23	December 15, 2005	January 1, 2006
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**ADMINISTRATIVE RULES**  
**FILED WITH THE SECRETARY OF STATE**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\*       \*       \*

*(f) Administrative rules filed with the secretary of state.”*

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**ADMINISTRATIVE RULES**

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**ORR # 2004-028**

**DEPARTMENT OF LABOR AND ECONOMIC GROWTH**

**OFFICE OF FINANCIAL AND INSURANCE SERVICES**

**CREDIT UNIONS**

Filed with the Secretary of State on February 2, 2005.  
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the commissioner of the Office of Financial and Insurance Services by section 206 of 2003 PA 215, MCL 490.206; 1969 PA 306, MCL 24.201 to 24.328; and E.R.O. No. 2003-1)

R 490.1, R 490.2, R 490.4, R 490.5, R 490.6, R 490.9, R 490.10, R 490.11a, R 490.12, R 490.15a, R 490.16, R 490.17, R 490.41, R 490.51, R 490.52, R 490.81, R 490.82, R 490.94, R 490.95, R 490.96, R 490.97, R 490.98, R 490.99, of the Michigan Administrative Code are rescinded and R 490.111, R 490.112, R 490.113, R 490.114, R 490.115, R 490.116, R 490.117, and R 490.118 are added to the Michigan Administrative Code as follows:

R 490.1 Rescinded.

R 490.2 Rescinded.

R 490.4 Rescinded.

R 490.5 Rescinded.

R 490.6 Rescinded.

R 490.9 Rescinded.

R 490.10 Rescinded.

R 490.11a Rescinded.

R 490.12 Rescinded.

R 490.15a Rescinded.

R 490.16 Rescinded.

R 490.17 Rescinded.

R 490.41 Rescinded.

R 490.51 Rescinded.

R 490.52 Rescinded.

R 490.81 Rescinded.

R 490.82 Rescinded.

R 490.94 Rescinded.

R 490.95 Rescinded.

R 490.96 Rescinded.

R 490.97 Rescinded.

R 490.98 Rescinded.

R 490.99 Rescinded.

R 490.111 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means 2003 PA 215, MCL 490.101 to 490.601, and any amendments thereto.

(b) "Delinquent loan" means a loan on which the aggregate of payments made is less than the aggregate of principal and interest due under the terms of the loan.

(c) "Obligation" means a loan or a group of loans or an installment contract or a group of installment contracts on which the interest is computed on the basis of unpaid balances.

(d) "Months delinquent" means the number of whole months that have elapsed since a payment or partial payment has become due and remains unpaid. All payments or partial payments made shall apply successively to the first occurring payment that has become due and remains unpaid. The original terms of the promissory note or extension agreement, including loans in bankruptcy or judgment proceedings, are to be used for the purpose of calculating months delinquent.

(2) Terms defined in the act have the same meanings when used in these rules.

R 490.112 Corporate credit union; issuance of different classes of shares; priorities upon liquidation; investment in interest rate risk management instruments.

Rule 2. (1) A corporate credit union may issue different classes of shares that have different priorities upon liquidation, provided the commissioner approves before issue the characteristics of the subordinated shares. Shares subordinated to insured shares and the deposit insurer may be considered a form of capital.

(2) A corporate credit union may, with prior approval of the board of directors and consistent with safe and sound business practices, invest in interest rate risk management instruments for the sole purpose of managing interest rate risk.

R 490.113 Credit committee or board of directors lending activity; recording requirements.

Rule 3. The credit committee shall maintain the minutes of all actions taken by the committee with regard to lending activity. If there is no credit committee, the board of directors shall maintain the minutes of all actions taken by the board with regard to lending activity. The minutes shall contain, at a minimum, all of the following items of business dealing with lending activity:

- (a) The names of the credit committee or board members in attendance while the credit committee or board is dealing with lending activity.
- (b) Loans and lines of credit approved or rejected, including, at a minimum, all of the following information:
  - (i) The member's name and account number.
  - (ii) The amount of the proposed loan.
  - (iii) Whether the proposed loan is secured or unsecured.
  - (iv) The action taken on the proposed loan.
- (c) A report of actions taken by each loan officer on loan requests since the last meeting of the credit committee or, if there is no credit committee, the board of directors.
- (d) Extension agreements approved or denied.
- (e) Releases of security.

R 490.114 Accounting requirements for investments in mutual funds.

Rule 4. A credit union shall record each investment in shares or certificates of an open-end management investment company (mutual fund) at market value, determined at the end of each month.

R 490.115 Overdrafts.

Rule 5. A credit union that issues a check or draft on a financial institution in excess of the balance of its demand deposit account in that institution then shown on the books of the credit union shall be considered to be operating in an unsafe and unsound manner unless all of the following conditions are satisfied:

- (a) The excess is not more than the unused portion of the current line-of-credit agreements between the credit union and the institution.
- (b) The line-of-credit agreement expressly provides that it will apply to cover overdrafts by the credit union.
- (c) The board of directors of the credit union has approved the line-of-credit agreement.

R 490.116 Delinquent loans.

Rule 6. (1) A credit union shall maintain a monthly delinquent loan report reflecting all loans that are at least 1 month delinquent. The report shall contain, at a minimum, all of the following information with respect to the borrower:

- (a) Name.
  - (b) Account number.
  - (c) Loan balance.
  - (d) Number of months delinquent.
  - (e) Any other information determined necessary by the board of directors to determine the condition of the loan.
- (2) The application of proceeds from a liquidation of collateral to a delinquent loan by a credit union shall reduce the balance due, but not the months delinquent, of that loan.

R 490.117 Minimum required allowance for loan and lease loss.

Rule 7. (1) A credit union shall maintain an allowance for loan and lease loss account at an amount at least equal to the credit union's reasonably foreseeable loan and lease losses, which shall be calculated pursuant to all of the following provisions:

(a) Management shall make a realistic appraisal of the collectability of delinquent loans and leases, known bankruptcies, judgment accounts, and other loans and leases for which collectability is questionable. The resulting estimated loss represents the appraisal component of the allowance for loan and lease loss account. The total dollar amount of these loans and leases is subtracted from the total loan and lease amount before calculation of the experience component of the allowance for loan and lease loss account.

(b) The experience component is calculated as follows: The average of net loan and lease losses for the previous 5 years shall be calculated. This "experience" ratio shall be applied to the estimated total loan and lease balance to calculate the estimated loss in the remaining loan and lease portfolio. The average net loan and lease loss ratio shall be updated at each year end.

(c) The amount calculated that is based on the experience component shall be added to the estimated loss calculated that is based on the appraisal component to calculate the minimum amount the credit union shall maintain in the allowance for loan and lease loss account.

(2) Any deviation in the allowance for loan and lease loss calculated under subrule (1) of this rule shall be in compliance with generally accepted accounting principles and supported in writing by the certified public accountant or other professionally qualified individual who performed the most recent audit of the credit union.

(3) The credit union shall maintain documentation to support the balance in the allowance for loan and lease loss account as determined in subrules (1) or (2) of this rule. The credit union shall evaluate the adequacy of the allowance for loan and lease loss account at least quarterly.

(4) No loan may be charged to the allowance for loan and lease loss account without approval by the board of directors. The board minutes shall record the name, account number, and amount of each loan charged to the allowance for loan and lease loss account pursuant to section 386(2) of the act, MCL 490.386(2).

R 490.118 Access to records.

Rule 8. A credit union may not purchase or receive recordkeeping services from an outside party unless both the credit union and the outside party, including any subcontractor, furnish the commissioner with an assurance in writing that the performance of these services will be subject to examination and regulation to the same extent as if the services were performed by the credit union on its own premises.



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**ADMINISTRATIVE RULES**

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**ORR # 2004-037**

**WORKERS' COMPENSATION AGENCY**

**DEPARTMENT OF LABOR & ECONOMIC GROWTH**

**WORKER'S COMPENSATION HEALTH CARE SERVICES**

Filed with the Secretary of State on February 2, 2005.  
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the worker's compensation agency by sections 205 and 315 of 1969 PA 317, section 33 of 1969 PA 306, Executive Reorganization Order No. 1982-2, Executive Reorganization Order No. 1986-3, and Executive Reorganization Order No. 1990-1, MCL 418.205, 418.315, 24.233, 18.24, 418.1, and 418.2)

R 418.10101, R 418.10103, R 418.10104, R 418.10107, R 418.10108, R 418.10109, R 418.10110, R 418.10111, R 418.10115, R 418.10117, R 418.10118, R 418.10120, R 418.10404, R 418.10701, R 418.10901, R 418.10902, R 418.10904, R 418.10907, R 418.10912, R 418.10915, R 418.10921, R 418.10923, R 418.10925, R 418.101001, R 418.101002, R 418.101003, R 418.101004, R 418.101015, R 418.101016, R 418.101017, R 418.101022, R 418.101101, R 418.101102, R 418.101103, R 418.101104, R 418.101105, R 418.101204, R 418.101205, R 418.101206, R 418.101207, R 418.101208, R 418.101209, R 418.101210, R 418.101301, R 418.101303, R 418.101304, R 418.101305, R 418.101401, R 418.101402, R 418.101404, R 418.101501, R 418.101502 and R 418.101503 are amended, R 418.10923B and R 418.101023 are added to the Administrative code.

**PART 1. GENERAL PROVISIONS**

**R 418.10101 Scope.**

Rule 101. (1) These rules do all of the following:

(a) Establish procedures by which the employer shall furnish, or cause to be furnished, to an employee who receives a personal injury arising out of and in the course of employment, reasonable medical, surgical, and hospital services and medicines, or other attendance or treatment recognized by the laws of the state as legal, when needed. The employer shall also supply to the injured employee dental services, crutches, artificial limbs, eyes, teeth, eyeglasses, hearing apparatus, and other appliances necessary to cure, so far as reasonably possible, and relieve from the effects of the injury.

(b) Establish schedules of maximum fees by a health facility or health care provider for such treatment or attendance, service, device, apparatus, or medicine.

(c) Establish procedures by which a health care provider shall be paid.

(d) Provide for the identification of utilization of health care and health services above the usual range of utilization for such services, based on medically accepted standards, and provide for acquiring by a carrier and by the workers' compensation agency the necessary records, medical bills, and other information concerning any health care or health service under review.

(e) Establish a system for the evaluation by a carrier of the appropriateness in terms of both the level of and the quality of health care and health services provided to injured employees, based upon medically accepted standards.

(f) Authorize carriers to withhold payment from, or recover payment from, health facilities or health care providers, which have made excessive charges or which have required unjustified treatment, hospitalization, or visits.

(g) Provide for the review by the workers' compensation agency of the records and medical bills of any health facility or health care provider which have been determined by a carrier not to be in compliance with the schedule of charges established by these rules or to be requiring unjustified treatment, hospitalization, or office visits.

(h) Provide for the certification by the workers' compensation agency of the carrier's professional utilization review program.

(i) Establish that when a health care facility or health care provider provides health care or health care service that is not usually associated with, is longer in duration than, is more frequent than, or extends over a greater number of days than that health care or service usually does with the diagnosis or condition for which the patient is being treated, the health facility or health care provider may be required by the carrier to explain the necessity in writing.

(j) Provide for the interaction of the workers' compensation agency and the department of labor and economic growth for the utilization of departmental procedures for the resolution of workers' compensation disputes.

(k) Are intended for the implementation and enforcement of section 315(2) to (9) of the act, provide for the implementation of the workers' compensation agency's review and decision responsibility vested in it by those statutory provisions. The rules and definitions are not intended to supersede or modify the workers' disability compensation act, the administrative rules of practice of the workers' compensation agency, or court decisions interpreting the act or the workers' compensation agency's administrative rules.

(2) An independent medical examination shall be exempt from these rules and may be requested by a carrier or an employee. An independent medical examination, (IME), shall be conducted by a practitioner other than the treating practitioner. Reimbursement for the independent medical evaluation shall be based on a contractual agreement between the provider of the independent medical evaluation and the party requesting the examination.

(3) These rules and the fee schedule shall not pertain to health care services which are rendered by an employer to its employee in an employer-owned and employer-operated clinic.

(4) If a carrier and a provider have a contractual agreement designed to reduce the cost of workers' compensation health care services below what would be the aggregate amount if the fee schedule were applicable, the contractual agreement shall be exempt from the fee schedule. The carrier shall be required to do both of the following:

(a) Perform technical and professional review procedures.

(b) Provide the annual medical payment report to the health care services division of the workers' compensation agency.

#### **R 418.10103 Complaints.**

Rule 103. Any person who is affected by these rules may submit a written complaint to the workers' compensation agency regarding the actions of any other person who is affected by these rules.

#### **R 418.10104 Reimbursement to injured worker or to health insurer for compensable medical services.**

Rule 104. (1) Notwithstanding any other provision of these rules, if an injured worker has paid for a health care service and at a later date a carrier is determined to be responsible for the payment, then the injured worker shall be fully reimbursed by the carrier.

(2) The injured worker may submit the request for reimbursement on a medical or dental claim form, but shall supply to the carrier a copy of a statement including the provider name, the date of service, the procedure and diagnosis and documentation of the amount paid.

(3) When a health insurer pays for a medical service to treat an injured worker and subsequently requests reimbursement from the workers' compensation carrier, the health insurer is not required to submit the request on a CMS 1500, or a UB-92 claim form, or other medical or dental claim form. The health insurer shall supply to the workers' compensation carrier, or the carrier's designee, a claim detail showing the date of service, the amount billed and paid, the procedure code and diagnosis for the rendered services. The workers' compensation carrier shall reimburse the health insurer the provider's usual and customary fee or the maximum allowable fee, whichever is less, for the compensable medical services in accordance with these rules. If the health insurer reimbursed the provider less than the amount allowed by these rules, then the workers' compensation carrier shall reimburse the amount paid by the health insurer.

**R 418.10107 Source documents; adoption by reference.**

Rule 107. The following documents are adopted by reference in these rules and are available for inspection at, or purchase from, the workers' compensation agency, health care services division, P.O. Box 30016, Lansing, Michigan 48909, at the costs listed or from the organizations listed:

(a) "Physicians' Current Procedural Terminology (CPT®) 2005," standard edition, copyright October 2004, published by the American Medical Association, PO Box 930876, Atlanta GA, 31193-0876, order # OP054105CFJ ISBN: 1-57947-578-7, 1-800-621-8335. The publication may be purchased at a cost of \$62.95, plus \$9.95 for shipping and handling as of the time of adoption of these rules. Permission to use this publication is on file in the workers' compensation agency.

(b) "Medicare's National Level II Codes, HCPCS, 2005," copyright November 2004, published by the American Medical Association, P.O. Box 930876 Atlanta GA 31193-0876, order # OP095105CFJ ISBN: 1-57947-571-X, customer service 1-800-621-8335. The publication may be purchased at a cost of \$89.95, plus \$11.95 for shipping and handling as of the time of adoption of these rules.

(c) "Medicare RBRVS 2004: The Physicians' Guide," published by the American Medical Association, 515 North State Street, Chicago IL, 60610, 1-800-621-8335. The publication may be purchased at a cost of \$79.95, plus \$11.95 shipping and handling as of the time of adoption of these rules.

(d) "Medicare RBRVS 2005: The Physicians' Guide," published by The American Medical Association, 515 North State Street, Chicago IL, 60610, order #OPO59605CFJ, 1-800-621-8335. The publication may be purchased at a cost of \$84.95, plus \$11.95 shipping and handling as of the time of adoption of these rules.

(e) "International Classification of Diseases, ICD-9-CM 2005 Volumes 1 & 2" copyright 2004, American Medical Association, P.O. Box 930876, Atlanta GA 31193-0876, order #OP068105CFJ, 1-800-621-8335. The publication may be purchased at a cost of \$64.95, plus \$9.95 shipping and handling as of the time of adoption of these rules.

(f) "2004 Drug Topics Red Book," published by Medical Economics Company Inc., Five Paragon Drive, Montvale, NJ 07645-1742, 1-800-678-5689. The publication may be purchased at a cost of \$75.95, plus \$9.95 for shipping and handling as of the time of adoption of these rules.

(g) "Michigan Uniform Billing Manual," developed in cooperation with the American Hospital Association's National Uniform Billing Committee, published by Michigan Health and Hospital

Association, Attn: UB-92 Subscriptions, 6215 West St. Joseph Highway, Lansing, MI 48917, 517-886-8366. As of the time of adoption of these rules, the cost of the publication is \$160.00, plus 6% sales tax.

**R 418.10108 Definitions; A to I.**

Rule 108. As used in these rules:

(a) “Act” means 1969 PA 317, MCL 418.101 et seq.

(b) “Adjust” means that a carrier or a carrier’s agent reduces a health care provider’s request for payment to the maximum fee allowed by these rules, to a provider’s usual and customary charge, or, when the maximum fee is by report, to a reasonable amount. Adjust also means when a carrier re-codes a procedure, or reduces payment as a result of professional review.

(c) “Agency” means the workers’ compensation agency in the department of labor & economic growth.

(d) “Appropriate care” means health care that is suitable for a particular person, condition, occasion, or place.

(e) “BR” or “by report” means that the procedure is not assigned a relative value unit, (RVU) or a maximum fee and requires a written description.

(f) “Carrier” means an organization which transacts the business of workers’ compensation insurance in Michigan and which may be any of the following:

(i) A private insurer.

(ii) A self-insurer.

(iii) One of the funds of chapter 5 of the act.

(g) “Case” means a covered injury or illness which occurs on a specific date and which is identified by the worker’s name and date of injury or illness.

(h) “Case record” means the complete health care record which is maintained by a carrier and which pertains to a covered injury or illness that occurs on a specific date.

(i) “Complete procedure” means a procedure that contains a series of steps that are not to be billed separately.

(j) “Covered injury or illness” means an injury or illness for which treatment is mandated by section 315 of the act.

(k) “Current procedural terminology”, (CPT)” means a listing of descriptive terms and identifying codes and provides a uniform nationally accepted nomenclature for reporting medical services and procedures. “Current procedural terminology” provides instructions for coding and claims processing.

(l) “Dispute” means a disagreement between a carrier or a carrier’s agent and a health care provider on the application of these rules.

(m) “Durable medical equipment” means specialized equipment which is designed to stand repeated use, which is used to serve a medical purpose, and which is appropriate for home use.

(n) “Emergency condition” means that a delay in treating a patient would lead to a significant increase in the threat to the patient’s life or to a body part.

(o) “Established patient” means a patient whose medical and administrative records for a particular covered injury or illness are available to the provider.

(p) “Expendable medical supply” means a disposable article that is needed in quantity on a daily or monthly basis.

(q) “Facility” means an entity licensed by the state in accord with 1978 PA 368, MCL 333.1101 et seq. The office of an individual practitioner is not considered a facility.

(r) “Focused review” means the evaluation of a specific health care service or provider to establish patterns of use and dollar expenditures.

(s) “Follow-up days” means the days of care following a surgical procedure that are included in the procedure’s maximum allowable payment, but does not include care for complications. If the surgical procedure lists “xxx” for the follow-up days, then the global concept does not apply. If “yyy” is listed for follow-up days, then the carrier shall set the global period. If “zzz” is used, then the procedure code is part of another service and falls within the global period of the other service.

(t) “Health care organization” means a group of practitioners or individuals joined together to provide health care services and includes any of the following:

- (i) Health maintenance organization.
- (ii) Industrial or other clinic.
- (iii) Occupational health care center.
- (iv) Home health agency.
- (v) Visiting nurse association.
- (vi) Laboratory.
- (vii) Medical supply company.
- (viii) Community mental health board.

(u) “Health care review” means the review of a health care case or bill, or both, by a carrier, and includes technical health care review and professional health care review.

(v) “Incidental surgery” means a surgery which is performed through the same incision, on the same day, by the same doctor of dental surgery, doctor of medicine, doctor of osteopathy, or doctor of podiatry and which is not related to diagnosis.

(w) “Independent medical examination” means an examination and evaluation which is requested by a carrier or an employee and which is conducted by a different practitioner than the practitioner who provides care.

(x) “Independent procedure” means a procedure that may be carried out by itself, separate and apart from the total service that usually accompanies it.

(y) “Industrial medicine clinic” also referred to as an “occupational health clinic” means an organization that primarily treats injured workers. The industrial medicine clinic or occupational clinic may be a health care organization as defined by these rules or may be a clinic owned and operated by a hospital for the purposes of treating injured workers.

(z) “Insured employer” means an employer who purchases workers’ compensation insurance from an insurance company that is licensed to write insurance in the state of Michigan.

#### **R 418.10109 Definitions; M to U.**

Rule 109. As used in these rules:

(a) “Maximum allowable payment” means the maximum fee for a procedure that is established by these rules, a reasonable amount for a “by report” procedure, or a provider’s usual and customary charge, whichever is less.

(b) “Medical only case” means a case that does not involve wage loss compensation.

(c) “Medical rehabilitation” means, to the extent possible, the interruption, control, correction, or amelioration of a medical or a physical problem that causes incapacity through the use of appropriate treatment disciplines and modalities that are designed to achieve the highest possible level of post-injury function and a return to gainful employment.

(d) “Medically accepted standards” means a measure which is set by a competent authority as the rule for evaluating quantity or quality of health care or health care services ensuring that the health care is suitable for a particular person, condition, occasion, or place.

(e) “Morbidity” means the extent of illness, injury, or disability.

(f) “Mortality” means the likelihood of death.

(g) “New patient” means a patient who is new to the provider for a particular covered injury or illness and who needs to have medical and administrative records established.

(h) “Nursing home” means a nursing care facility, including a county medical care facility, created pursuant to the provisions of 1885 PA 152, MCL 36.1 et seq.

(i) “Orthotic equipment” means an orthopedic apparatus that is designed to support, align, prevent or correct deformities of, or improve the function of, a movable body part.

(j) “Pharmacy” means the place where the science, art, and practice of preparing, preserving, compounding, dispensing, and giving appropriate instruction in the use of drugs is practiced.

(k) “Practitioner” means an individual who is licensed, registered, or certified as used in the Michigan public health code, 1978 PA 368, MCL 333.1101 et seq.

(l) “Primary procedure” means the therapeutic procedure that is most closely related to the principal diagnosis.

(m) “Properly submitted bill” means a request by a provider for payment of health care services which is submitted to a carrier on the appropriate completed claim form with attachments as required by these rules.

(n) “Prosthesis” means an artificial substitute for a missing body part. A prosthesis is constructed by a “prosthetist”, a person who is skilled in the construction and application of a prosthesis.

(o) “Provider” means a facility, health care organization, or a practitioner.

(p) “Reasonable amount” means a payment based upon the amount generally paid in the state for a particular procedure code using data available from the provider, the carrier, or the workers’ compensation agency, health care services division.

(q) “Restorative” means that the patient’s function will demonstrate measurable improvement in a reasonable and generally predictable period of time and includes appropriate periodic care to maintain the level of function.

(r) “Secondary procedure” means a surgical procedure which is performed to ameliorate conditions that are found to exist during the performance of a primary surgery and which is considered an independent procedure that may not be performed as a part of the primary surgery or for the existing condition.

(s) “Specialist” means any of the following entities that are board-certified, board-eligible, or otherwise considered an expert in a particular field of health care by virtue of education, training, and experience generally accepted in that particular field:

(i) A doctor of chiropractic.

(ii) A doctor of dental surgery.

(iii) A doctor of medicine.

(iv) A doctor of optometry.

(v) A doctor of osteopathic medicine and surgery.

(vi) A doctor of podiatric medicine and surgery.

(t) “Subrogation” means substituting one creditor for another. An example of subrogation in workers’ compensation is when a case is determined to be workers’ compensation and the health benefits plan has already paid for the service and is requesting the workers’ compensation carrier or the provider to refund the money that the plan paid on behalf of the worker.

(u) “Technical surgical assist” means that additional payment for an assistant surgeon, referenced in R 418.10416 of these rules, is allowed for certain designated surgical procedures. The Health Care Services Manual, published annually by the workers’ compensation agency, denotes a surgical procedure allowing payment for the technical surgical assist with the letter “T.”

(v) “Treatment plan” means a plan of care for restorative physical treatment services that indicates the diagnosis and anticipated goals.

(w) “Usual and customary charge” means a particular provider’s average charge for a procedure to all payment sources, and includes itemized charges which were previously billed separately and which are included in the package for that procedure as defined by these rules. A usual and customary charge for a procedure shall be calculated based on data beginning January 1, 2000.

**R 418.10110 Program Information.**

Rule 110. The workers’ compensation agency shall provide ongoing information regarding these rules for providers, carriers, and employees. The program shall include distribution of appropriate information materials. The health care services division shall provide periodic informational sessions for providers, billing organizations, and carriers.

**R 418.10111 Advisory committee.**

Rule 111. The director of the workers’ compensation agency shall appoint an advisory committee from names solicited from provider, carrier, and employee organizations. The advisory committee shall include five advocates for the concerns of providers, five advocates for the concerns of employees, and five advocates for the concerns of carriers. The director of the workers’ compensation agency shall appoint a sixteenth member to act as chair without a vote. The advisory committee shall meet not less than twice a year. Additional meetings shall be scheduled if requested by the workers’ compensation agency, the chair, or a majority of the committee. Members may be removed by the director of the workers’ compensation agency for cause or for missing more than one-half of the meetings in a year. The advisory committee shall perform general program oversight and assist the workers’ compensation agency with the following:

- (a) Annual review of the rules and the fee schedule.
- (b) Development of proposed amendments to the rules and fee schedule, including payment methodologies.
- (c) Review of data reports and data analyses.
- (d) Review health care service disputes, resulting from a carrier’s professional health care review program pursuant to these rules, that are considered by mediation, arbitration, small claims, or magistrate decisions, based on annual summary data regarding such disputes. This summary data shall be developed by the agency and shall include information regarding carriers and providers which accounts for a significant number of disputes.
- (e) Review annual summary data of complaints made to the workers’ compensation agency.

**R 418.10115 Responsibilities of insured employer or self-insurer.**

Rule 115. (1) An insured employer shall do all of the following:

- (a) Promptly file form 100, employer’s basic report of injury, to report an injury that results in 7 or more days of disability, specific loss, or death, with the workers’ compensation agency and its insurer.
  - (b) Promptly notify its insurer of the cases that do not result in 7 or more days of disability, specific loss, or death.
  - (c) Promptly inform the provider of the name and address of its insurer or the designated agent of the insurer to whom health care bills should be sent.
  - (d) If an insured employer receives a bill, then the insured employer shall promptly transmit the provider’s bill and documentation to the insurer or the designated agent of the insurer regarding a related injury or illness.
- (2) For the purposes of this rule, a self-insurer shall promptly report all employee work-related injuries to their designated agent, unless they are self-administered.

(a) Unless self-administered, a self-insurer receiving a bill for a medical service shall forward the bill to their designated agent for processing and shall inform the medical provider of the address where future bills shall be sent.

**R 418.10117 Carrier responsibilities.**

Rule 117. (1) The carrier or its designated agent shall assure that a billing form is completed properly before making payment to the licensed provider or licensed facility.

(2) A carrier may designate a third party to receive provider bills on its behalf. If a carrier instructs the provider to send the medical bills directly to the third party, then the 30-day limit of this rule begins when the third party receives the bill. The carrier is responsible for forwarding bills and medical documentation when there is a third party reviewing medical bills for the carrier.

(3) A carrier or designated agent shall make payment of an unadjusted and properly submitted bill within 30 days of receipt of a properly submitted bill or shall add a self-assessed 3% late penalty to the maximum allowable payment as required by these rules.

(4) A carrier or designated agent shall record payment decisions on a form entitled “The Carrier’s Explanation of Benefits” using a format approved by the workers’ compensation agency. The carrier or designated agent shall keep a copy of the explanation of benefits and shall send a copy to the provider and to the injured worker. The carrier’s explanation of benefits shall list a clear reason for the payment adjustment or amount disputed and shall notify the provider what information is required for additional payment.

(5) A carrier or designated agent shall make payment of an adjusted bill or portion of an adjusted bill within 30 days of receipt of the properly submitted bill. If a carrier or designated agent rejects a bill in its entirety, then the carrier or designated agent shall notify the provider of the rejection within 30 days after receipt of a properly submitted bill.

(6) If a carrier requests the provider to send duplicated copies of the documentation required in part 9 or additional medical records not required by these rules, then the carrier shall reimburse the provider for the copying charges in accord with R 418.10118.

(7) When the carrier has disputed a case and has not issued a copy of the formal notice of dispute to the medical provider, then the carrier’s explanation of benefits shall be sent in response to the provider’s initial bill. The carriers’ explanation of benefits shall serve as notice to the provider that non-payment of the bill is due to the dispute.

**R 418.10118 Practitioner, facility, and health care organization copying charge for medical records.**

Rule 118. (1) A practitioner, facility, or health care organization shall, at the request of the carrier, the carrier’s agent, the employee, or the employee’s agent, furnish copies of the case record for a particular covered injury or illness to the carrier, the carrier’s agent, the employee, or the employee’s agent. The maximum fee for providing copies shall be 45 cents per page, plus the actual cost of mailing. In addition, an administration charge for the staff’s time to retrieve and copy the records shall be paid as follows:

0-15 minutes	\$2.50
Each additional 15 minute increment	\$2.50

The copying and handling charge shall apply to all reports and records, other than the original copy required pursuant to the provisions of R 418.10113, and all other reports required by these rules. The party who requests the records shall pay the copying charge.



(2) The copying charge for each x-ray film requested by the carrier or the carrier's agent shall be reimbursed at \$15.00, which includes mailing and handling.

(3) If an agent of a carrier or an employee requests a copy of the case record, then the agent shall indicate the date of injury. Only the records for a specific date of injury covered by the act and these rules are available as specified in subrule (1) of this rule.

**R 418.10120 Recovery of payment.**

Rule 120. (1) Nothing in this rule shall preclude the recovery of payment for services and bills which may later be found to have been medically inappropriate or paid at an amount that is more than the maximum allowable payment.

(2) If the carrier makes a request to the provider for the recovery of a payment within 1 year of the date of payment and includes a statement of the reasons for the request, then the carrier may recover a payment. The carrier may recover a payment made by an employee or the carrier.

(3) Within 30 days of receipt of the carrier's request for recovery of the payment, the provider shall do either of the following:

(a) If the provider is in agreement with the request, then the provider shall refund the payment to the carrier.

(b) If the provider is not in agreement with the request, then the provider shall supply the carrier with a written detailed statement of the reasons for its disagreement, together with a refund of the portion, if any, of the payment that the provider agrees should be refunded.

(4) If the carrier does not accept the reason for disagreement supplied by the provider, then the carrier may file an application for mediation or hearing as provided for in R 418.101303 and R 418.101304. Within 30 days of receipt of the provider's statement of disagreement, the carrier shall file the application for mediation or hearing with the workers' compensation agency and the carrier shall mail a copy to the provider.

(5) If, within 60 days of the carrier's request for recovery of a payment, the carrier does not receive either a full refund of the payment or a statement of disagreement, then, at the option of the carrier, the carrier may do either or both of the following:

(a) File an application for mediation or hearing and mail a copy to the provider.

(b) Reduce the payable amount on the provider's subsequent bills to the extent of the request for recovery of payment.

(6) If, within 30 days of a final order of a magistrate, the appellate commission, or the courts, a provider does not pay in full any refund ordered, then the carrier may reduce the payable amount on the provider's subsequent bills to the extent of the request for recovery of payment.

**PART 4. SURGERY**

**R 418.10404 Follow-up care occurring during global service.**

Rule 404. (1) Follow-up care for a diagnostic procedure shall refer only to the days required to recover from the diagnostic procedure and not the treatment of the underlying condition.

(2) Follow-up care for therapeutic surgical procedures includes only that care which is usually part of the surgical service. Complications, exacerbations, recurrence, or the presence of other compensable diseases or injuries requiring additional services should be reported with the identification of appropriate procedures. The follow-up days for the surgical procedures are adopted from the "Medicare RBRVS The Physicians Guide" as referenced in R 418.10107(d). The follow-up days for each surgical procedure are identified in the "global" column in the manual published by the workers' compensation agency separate from these rules.

(a) If a carrier requests the surgeon to see an injured worker during the global service period for the purpose of job restrictions, job adjustments, or return to work, then the visit shall not be considered part of the global surgery package. If the carrier requests the visit, then the carrier shall prior authorize the visit assigning an authorization number. The provider shall bill the visit using procedure 99455 and modifier –32, including the authorization number in box 23 of the CMS 1500 form. The carrier shall not deny a prior authorized visit and shall reimburse the provider for the prior authorized visit. The maximum allowable payment for 99455-32 shall be listed in rule R 418.101502.

(b) The medical record shall reflect job adjustments, job restrictions or limitations, or return to work date and the provider shall include the medical record with the bill.

(c) If an insured employer requests the surgeon to see an injured worker during the global surgery period for the purpose of job adjustments, restrictions, or return to work, then the employer shall obtain the prior authorization number from the carrier for the visit.

(3) Hospital follow-up care or a hospital visit by the practitioner responsible for the surgery shall be considered part of the surgical follow-up days listed for the procedure and shall not be paid as an independent procedure.

## **PART 7. DENTAL**

### **R 418.10701 Scope.**

Rule 701. (1) Dental services, related to, or resulting from, a covered work-related injury are covered under these rules. Incidental dental services are not covered.

(2) A dental provider shall bill services on a standard American dental claim form. The workers' compensation agency shall publish a copy of the claim form and instructions for completion separate from these rules in the health care services manual.

(3) Dental services shall be reimbursed at either the dentist's usual and customary fee or reasonable fee, whichever is less.

## **PART 9. BILLING**

### **SUBPART A. PRACTITIONER BILLING**

### **R 418.10901 General information.**

Rule 901. (1) All health care practitioners and health care organizations, as defined in these rules, shall submit charges on the proper claim form as specified in this rule. Copies of the claim forms and instruction for completion for each form shall be published separate from these rules in a manual distributed by the health care services division of the workers' compensation agency. Charges shall be submitted as follows:

(a) A practitioner shall submit charges on the CMS1500 claim form.

(b) A doctor of dentistry shall submit charges on a standard dental claim form approved by the American dental association.

(c) A pharmacy, other than an inpatient hospital, shall submit charges on an invoice or a pharmacy universal claim form.

(d) A hospital-owned occupational, industrial clinic, or office practice shall submit charges on the CMS 1500 claim form.

(e) A hospital billing for a practitioner service shall submit charges on a CMS 1500 claim form.

(f) Ancillary service charges shall be submitted on the CMS 1500 claim form for durable medical equipment and supplies, L-code procedures, ambulance, vision, and hearing services. Charges for home health services shall be submitted on the UB-92 claim form.

(g) A shoe supplier or wig supplier shall submit charges on an invoice.

(2) A provider shall submit all bills to the carrier within 1 year of the date of service for consideration of payment, except in cases of litigation or subrogation.

(3) A properly submitted bill shall include all of the following appropriate documentation:

(a) A copy of the medical report for the initial visit.

(b) An updated progress report if treatment exceeds 60 days.

(c) A copy of the initial evaluation and a progress report every 30 days of physical treatment, physical or occupational therapy, or manipulation services.

(d) A copy of the operative report or office report if billing surgical procedure codes 10040-69990.

(e) A copy of the anesthesia record if billing anesthesia codes 00100-01999.

(f) A copy of the radiology report if submitting a bill for a radiology service accompanied by modifier -26. The carrier shall only reimburse the radiologist for the written report, or professional component, upon receipt of a bill for the radiology procedure.

(g) A report describing the service if submitting a bill for a “by report” procedure.

(h) A copy of the medical report if a modifier is applied to a procedure code to explain unusual billing circumstances.

**R 418.10902 Billing for injectable medications, other than vaccines and toxoids, in office setting.**

Rule 902. (1) The provider shall not bill the carrier for procedure codes 90782-90799, administration of therapeutic injections, if billed in conjunction with an evaluation and management procedure code. If an evaluation and management procedure code, 99201-99499, is not listed, then procedure codes 90782-90799 may be billed to describe the administration of the medication.

(2) The injection medication shall be billed with either 99070, the unlisted drug and supply code from physicians’ current procedural terminology, (CPT®), or the specific J-code procedure from Medicare’s National Level II Codes as adopted by reference in R 418.10107.

(3) The provider shall list the NDC or national drug code for the medication in box 19 or 24K of the CMS 1500.

(4) The carrier shall reimburse the medication at average wholesale price, (AWP) according to the Redbook, as adopted by reference in R 418.10107.

(5) If the provider does not list the national drug code for the medication, the carrier shall reimburse the medication using the least costly NDC listed by Redbook for that medication.

**R 418.10904 Procedure codes and modifiers.**

Rule 904. (1) A health care service shall be billed with procedure codes adopted from “Physicians’ Current Procedural Terminology (CPT®)” or “HCPCS, Medicare’s National Level II Codes,” as referenced in R 418.10107. Procedure codes from “Physicians’ Current Procedural Terminology (CPT®)” shall not be included in these rules, but shall be listed in a separate manual published by the workers’ compensation agency. Refer to “Physicians’ Current Procedural Terminology (CPT®)” for standard billing instructions, except where otherwise noted in these rules. A provider billing services described with procedure codes from “Medicare’s National Level II Codes” shall refer to the publication as adopted by reference in R 418.10107 for coding information.

(2) The following ancillary service providers shall bill codes from “HCPCS, Medicare’s National Level II Codes,” as adopted by reference in R 418.10107, to describe the ancillary services:

- (a) Ambulance providers.
- (b) Certified orthotists and prosthetists.
- (c) Medical suppliers, including expendable and durable equipment.
- (d) Hearing aid vendors and suppliers of prosthetic eye equipment.
- (3) A home health agency.

(4) If a practitioner performs a procedure that cannot be described by one of the listed CPT® or HCPCS codes, then the practitioner shall bill the unlisted procedure code. An unlisted procedure code shall only be reimbursed when the service cannot be properly described with a listed code and the documentation supporting medical necessity includes all of the following:

- (a) Description of the service.
- (b) Documentation of the time, effort, and equipment necessary to provide the care.
- (c) Complexity of symptoms.
- (d) Pertinent physical findings.
- (e) Diagnosis.
- (f) Treatment plan.

(5) The provider shall add a modifier code, found in Appendix A of the CPT® publication, as adopted by reference in R 418.10107, following the correct procedure code describing unusual circumstances arising in the treatment of a covered injury or illness. When a modifier code is applied to describe a procedure, a report describing the unusual circumstances shall be included with the charges submitted to the carrier.

(6) Applicable modifiers from table 10904 shall be added to the procedure code to describe the type of practitioner performing the service. The required modifier codes for describing the practitioner are as follows:

#### **Table 10904**

##### **Modifier Codes**

-AA	Anesthesia services performed personally by anesthesiologist
-AH	When a licensed psychologist bills a diagnostic service or a therapeutic service, or both.
-AJ	When a certified social worker bills a therapeutic service.
-AL	A limited license psychologist billing a diagnostic service or a therapeutic service.
-CS	When a limited licensed counselor bills for a therapeutic service.
-GF	Non-physician (nurse practitioner, advanced practice nurse or physician assistant) provides services in an office or clinic setting or in a hospital setting.
-LC	When a licensed professional counselor performs a therapeutic service.
-MF	When a licensed marriage and family therapist performs a therapeutic service.
-ML	When a limited licensed marriage and family therapist performs a service.
-TC	When billing for the technical component of a radiology service.
-QK	When an anesthesiologist provides medical direction for not more than 4 qualified individuals being either certified registered nurse anesthetists or anesthesiology residents
-QX	When a certified registered nurse anesthetist performs a service under the medical direction of an anesthesiologist.
-QZ	When a certified registered nurse anesthetist performs anesthesia services without medical direction.

#### **R 418.10907 Billing codes for site of service and type of service.**

Rule 907. (1) A practitioner, other than a dentist, when billing practitioner services, shall identify the

site of service and type of service with numerical codes consistently used in the industry. The health care services division of the workers' compensation agency shall publish the numerical codes in the Health Care Services Manual separate from these rules.

**R 418.10912 Billing for prescription medications.**

Rule 912. (1) Prescription drugs may be dispensed to an injured worker by either an outpatient pharmacy or a health care organization as defined in these rules. These rules shall apply to the pharmacy dispensing the prescription drugs to an injured worker only after the pharmacy has either written or oral confirmation from the carrier that the prescriptions or supplies are covered by workers' compensation insurance.

(2) When a generic drug exists, the generic drug shall be dispensed. When a generic drug does not exist, the brand name drug may be dispensed. A physician may only write a prescription for "DAW", or dispense as written, when the generic drug has been utilized and found to be ineffective or has caused adverse effects for the injured worker. A copy of the medical record documenting the medical necessity for the brand name drug shall be submitted to the carrier.

(3) A bill or receipt for a prescription drug from an outpatient pharmacy, practitioner, or health care organization shall be submitted to the carrier and shall include the name, address, and social security number of the injured worker. An outpatient pharmacy shall bill the service using the universal pharmacy claim form or an invoice and shall include the national association board of pharmacy identification number and the serial number of the prescription drug.

(4) A health care organization or physician office dispensing the prescription drug shall bill the service on the CMS 1500 claim form. Procedure code 99070 shall be used to code the service and the national drug code shall be used to describe the drug.

(5) If an injured worker has paid for a prescription drug for a covered work illness, then the worker may send a receipt showing payment along with the drug information to the carrier for reimbursement.

(6) An outpatient pharmacy or health care organization shall include all of the following information when submitting a bill for a prescription drug to the carrier:

(a) The brand or chemical name of the drug dispensed.

(b) The manufacturer or supplier's name and the NDC, or national drug code from the "Red Book" as adopted by reference in R 418.10107.

(c) The dosage, strength, and quantity dispensed.

(d) The date the drug was dispensed.

(e) The physician prescribing the drug.

(7) A practitioner or a health care organization, other than an inpatient hospital, shall bill WC700 to describe the dispense fee for each prescription drug. A provider will only be reimbursed for 1 dispense fee for each prescription drug in a 10-day period. A dispense fee shall not be billed with "OTC"s, over-the-counter drugs.

**R 418.10915 Billing for anesthesia services.**

Rule 915. (1) Anesthesia services shall consist of 2 components. The 2 components are base units and time units. Each anesthesia procedure code is assigned a value for reporting the base units. The base units for an anesthesia procedure shall be as specified in the publication entitled "Medicare RBRVS: The Physicians' Guide" as adopted by reference in R 418.10107. The anesthesia codes, base units and instructions for billing the anesthesia service shall be published separate from these rules in the health care services manual.

(2) An anesthesia service may be administered by either an anesthesiologist, anesthesia resident, a certified registered nurse anesthetist, or a combination of a certified registered nurse anesthetist, and a

physician providing medical direction or supervision. When billing for both the anesthesiologist and a certified registered nurse anesthetist, the anesthesia procedure code shall be listed on 2 lines of the CMS 1500 with the appropriate modifier on each line.

(3) One of the following modifiers shall be added to the anesthesia procedure code to determine the appropriate payment for the time units:

(a) Modifier -AA indicates the anesthesia service is administered by the anesthesiologist.

(b) Modifier -QK indicates the anesthesiologist has provided medical direction for a certified registered nurse anesthetist, CRNA, or resident. The CRNA or resident may be employed by either a hospital, the anesthesiologist or may be self-employed.

(c) Modifier -QX indicates the certified registered nurse anesthetist has administered the procedure under the medical direction of the anesthesiologist.

(d) Modifier -QZ indicates the certified registered nurse anesthetist has administered the complete anesthesia service without medical direction of an anesthesiologist.

(4) Total anesthesia units shall be calculated by adding the anesthesia base units to the anesthesia time units.

(5) Anesthesia services may be administered by any of the following:

(a) A licensed doctor of dental surgery.

(b) A licensed doctor of medicine.

(c) A licensed doctor of osteopathy.

(d) A licensed doctor of podiatry.

(e) A certified registered nurse anesthetist.

(f) A licensed anesthesiology resident.

(6) If a surgeon provides the anesthesia service, the surgeon will only be reimbursed the base units for the anesthesia procedure.

(7) If a provider bills physical status modifiers, then documentation shall be included with the bill to support the additional risk factors. When billed, the physical status modifiers are assigned unit values as defined in the following table:

<b>Anesthesiology Physical Status Modifiers</b>		<b>Unit Value</b>
P1	A normal healthy patient.	0
P2	A patient who has a mild systemic disease.	0
P3	A patient who has a severe systemic disease.	1
P4	A patient who has a severe systemic disease that is a constant threat to life.	2
P5	A moribund patient who is expected not to survive without the operation.	3
P6	A declared brain-dead patient whose organs are being removed for donor purposes.	0

(8) Procedure code 99140 shall be billed as an add-on procedure if an emergency condition, as defined in R 418.10108, complicates anesthesia. Procedure code 99140 shall be assigned 2 anesthesia units. Documentation supporting the emergency shall be attached to the bill.

(9) If a pre-anesthesia evaluation is performed and surgery is not subsequently performed, then the service shall be reported as an evaluation and management service.

## **PART 9. BILLING**

### **SUBPART B. FACILITY BILLING**

#### **R 418.10921 Facility billing.**

Rule 921. (1) Except for a freestanding surgical outpatient facility, a licensed facility as defined in these rules shall submit facility charges on a UB-92 claim form to the carrier. A copy of the UB-92 form shall be published separate from these rules in a manual distributed by the health care services division of the agency. The Michigan uniform billing manual referenced in these rules contains instructions for facility billing.

(2) A facility billing for a practitioner service shall bill charges on the CMS 1500 claim form.

**R 418.10923 Hospital billing for practitioner services.**

Rule 923. (1) A hospital billing for practitioner services, including a certified registered nurse anesthetist, a physician, a nurse who has a specialty certification, and a physician's assistant, shall submit bills on a CMS 1500 form and the hospital shall use the appropriate procedure codes adopted by these rules. A hospital shall bill for professional services provided in the hospital clinic setting as practitioner services on a CMS 1500 form using outpatient hospital for the site of service. A hospital or hospital system-owned office practice shall bill all office services as practitioner services on a CMS 1500 form using office or clinic for the site of service. A hospital or hospital system-owned industrial or occupational clinic providing occupational health services for injured workers shall bill all clinic services as practitioner services on a CMS 1500 using office or clinic for the site of service. A hospital or hospital system-owned industrial or occupational clinic shall not use emergency department evaluation and management procedure codes. Radiology and laboratory services may be billed as facility services on the UB-92.

(2) A hospital billing for the professional component of a medical service, excluding physical medicine, occupational medicine, or speech and hearing services shall bill the service on a CMS 1500 claim form adding modifier -26 identifying the bill is for the professional component of the service. The bill shall indicate outpatient hospital for the site of service. The carrier shall pay the maximum allowable fee listed in the manual for the professional component of the procedure. If the professional component is not listed, then the carrier shall pay 40% of the maximum allowable fee.

(3) A hospital billing for a radiologist's or pathologist's services shall bill the professional component of the procedure on the CMS 1500 claim form and shall place modifier -26 after the appropriate procedure code to identify the professional component of the service. The carrier shall pay the maximum allowable fee listed in the manual for the professional component of the procedure. If the professional component is not listed, then the carrier shall pay 40% of the maximum allowable fee.

(4) A hospital billing for a certified registered nurse anesthetist shall bill only time units of an anesthesiology procedure and use modifier -QX with the appropriate anesthesia code, except in the absence of medical direction from a supervising anesthesiologist.

**R 418.10923B Billing for freestanding surgical outpatient facility,(FSOF).**

Rule 923B (1) A freestanding surgical outpatient facility (FSOF) shall be licensed by the department of public health, bureau of health systems, under part 208 of the code. The owner or operator of the facility shall make the facility available to other physicians, dentists, podiatrists or providers who comprise its professional staff.

(a) When a surgery procedure is appropriately performed in the freestanding surgical outpatient facility and Medicare has not assigned a grouper number for that procedure, the procedure shall be considered by report. The freestanding surgical outpatient facility shall be reimbursed either the usual and customary charge or reasonable charge, whichever is less for the procedure.

(2) Billing instructions in this rule do not apply to a hospital-owned freestanding surgical outpatient facility billing with the same tax identification number as the hospital.

(3) A freestanding surgical outpatient facility, licensed by the state, shall bill the facility services on the CMS 1500 claim form and shall include modifier SG to identify the service as the facility charge. The place of service shall be “24.” The appropriate HCPCS or CPT® procedure code describing the service performed shall be listed on separate lines of the bill.

(4) Modifier 50, generally indicating bilateral procedure is not valid for the FSOF claim. Procedures performed bilaterally shall be billed on two separate lines of the claim form and shall be identified with modifiers, LT for left and RT for right.

(5) A freestanding surgical outpatient facility shall only bill for outpatient procedures which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and are exclusive of such surgical and related care as licensed physicians ordinarily elect to perform in their private offices.

(6) The CPT® procedure code billed by the facility is classified according to 1 of 9 groupers, as determined by center for Medicare and Medicaid services. The grouper number for each procedure code is published in the federal register.

(7) The payment for the surgical code includes the supplies for the procedure.

(8) Laboratory procedures, durable medical equipment, radiology services, and items implanted into the body that remain in the body at discharge from the facility may be billed separately.

(9) The facility shall bill implant items with the unlisted CPT® drug and supply code, 99070. A report listing a description of the implant and a copy of the facility’s cost invoice shall be included with the bill. Some examples of implant items are plates, pins, screws, mesh.

(10) When radiology procedures are performed intra-operatively, only the technical component shall be billed by the facility and reimbursed by the carrier. The professional component shall be included with the surgical procedure. Pre-operative and postoperative radiology services may be globally billed.

(11) At no time shall the freestanding surgical outpatient facility bill for practitioner services on the facility bill.

#### **R 418.10925 Billing requirements for other licensed facilities.**

Rule 925. (1) A licensed facility, other than a hospital or freestanding surgical outpatient facility, shall bill the facility services on the UB-92 national uniform billing claim form and shall include the revenue codes contained in the Michigan Uniform Billing Manual, ICD-9-CM coding for diagnoses and procedures, and CPT® procedure codes for surgical, radiological, laboratory, and medicine and evaluation and management services.

(2) Only the technical component of a radiological service or a laboratory service shall be billed on the standardized UB-92 national uniform billing claim form.

(3) All bills for the professional services shall be billed on a CMS 1500 claim form, using the appropriate CPT® procedure code and modifier

(4) A report describing the services provided and the condition of the patient shall be included with the bill.

### **PART 10. REIMBURSEMENT**

#### **SUBPART A. PRACTITIONER REIMBURSEMENT**

#### **R 418.101001 General rules for practitioner reimbursement.**

Rule 1001. (1) A provider that is authorized to practice in the state of Michigan shall receive the maximum allowable payment in accordance with these rules. A provider shall follow the process specified in these rules for resolving differences with a carrier regarding payment for appropriate health care services rendered to an injured worker.



(2) A carrier shall not make a payment for a service unless all required review activities pertaining to that service are completed.

(3) A carrier's payment shall reflect any adjustments in the bill made through the carrier's utilization review program.

(4) A carrier shall pay, adjust, or reject a properly submitted bill within 30 days of receipt. The carrier shall notify the provider on a form entitled "Carrier's Explanation of Benefits" in a format specified by the workers' compensation agency. A copy shall be sent to the injured worker.

(5) A carrier shall not make a payment for any service which is determined inappropriate by the carrier's professional health care review program.

(6) The carrier shall reimburse the provider a 3% late fee if more than 30 calendar days elapse between a carrier's receipt of a properly submitted bill and a carrier's mailing of the payment.

(7) If a procedure code has a maximum fee of "by report," the provider shall be paid usual and customary charge or the reasonable amount, whichever is less. The carrier shall provide an explanation of its determination that the fee is unreasonable or excessive in accordance with these rules.

**R 418.101002 Conversion factors for medical, surgical, and radiology procedure codes.**

Rule 1002. (1) The workers' compensation agency shall determine the conversion factors for medical, surgical, and radiology procedures. The conversion factor shall be used by the workers' compensation agency for determining the maximum allowable payment for medical, surgical, and radiology procedures. The maximum allowable payment shall be determined by multiplying the appropriate conversion factor times the relative value unit assigned to a procedure. The relative value units are listed for the medicine, surgical, and radiology procedure codes in a manual separate from these rules. The manual shall be published annually by the workers' compensation agency using codes adopted from "Physicians' Current Procedural Terminology (CPT®)" as referenced in R 418.10107(a). The workers' compensation agency shall determine the relative values by using information found in the "Medicare RBRVS: The Physicians' Guide" as adopted by reference in R 418.10107(c).

(2) The conversion factor for medicine, radiology, and surgical procedures shall be \$48.49 for the year 2005 and shall be effective for dates of service on or after the effective date of these rules.

**R 418.101003 Reimbursement for "by report" and ancillary procedures.**

Rule 1003. (1) If a procedure code does not have a listed relative value or is noted BR, then the carrier shall reimburse the provider's usual and customary charge or reasonable payment, whichever is less, unless otherwise specified in these rules.

(2) The following ancillary services are by report and the provider shall be reimbursed either at the practitioner's usual and customary charge or reasonable payment, whichever is less:

- (a) Ambulance services.
- (b) Dental services.
- (c) Vision and prosthetic optical services.
- (d) Hearing aid services.

(3) Prescription medication shall be reimbursed at the average wholesale price (AWP) + a \$4.00 dispense fee for each drug, as determined by the Red Book, referenced in R 418.10107(e).

(4) Over-the-counter drugs (OTC's), dispensed by a provider other than a pharmacy, shall be dispensed in 10-day quantities and shall be reimbursed at the average wholesale price, as determined by the Red Book, or \$2.50, whichever is greater.

(5) Durable medical equipment, supplies, including pre-fabricated splints, shall be reimbursed by the carrier at the average wholesale price, plus not more than 50%, or the provider's usual and customary charge, whichever is less.

(6) Orthotic and prosthetic procedures, L0100-L8499, and assigned maximum allowable payments shall be listed in R 418.101504.

**R 418.101004 Modifier code reimbursement.**

Rule 1004. (1) When accompanied by a modifier code, a procedure code shall be considered to have a maximum allowable payment of BR, except as provided for by subrules (2) to (13) of this rule.

(2) When modifier code -25 is added to an evaluation and management procedure code, reimbursement shall only be made when the documentation provided supports the patient's condition required a significant separately identifiable evaluation and management service other than the other service provided or beyond the usual preoperative and postoperative care.

(3) When modifier code -26, professional component, is used with a radiology procedure, the payment shall be determined by multiplying the relative value for the professional component times the radiology conversion factor.

(4) If a surgeon uses modifier code -47 when performing a surgical procedure, then anesthesia services were provided by the surgeon and the maximum allowable payment for the anesthesia portion of the service shall be calculated by multiplying the base unit of the appropriate anesthesia code by \$42.00. No additional payment is allowed for time units.

(5) When modifier code -50 or -51 is used with procedure codes 10000-69999, a doctor of dental surgery, doctor of medicine, doctor of osteopathy, or doctor of podiatry shall be paid the following:

(a) The primary procedure at not more than 100% of the maximum allowable payment or the billed charge, whichever is less.

(b) The secondary procedure and the remaining procedure or procedures at not more than 50% of the maximum allowable payment or the billed charge, whichever is less.

(c) When multiple injuries occur in different areas of the body, the first surgical procedure in each part of the body shall be reimbursed 100% of the maximum allowable payment or billed charge, whichever is less, and the second and remaining surgical procedure or procedures shall be identified by modifier code -51 and shall be reimbursed at 50% of the maximum allowable payment or billed charges, whichever is less.

(d) When modifier -50 or -51 is used with a surgical procedure with a maximum allowable payment of BR, the maximum allowable payment shall be 50% of the provider's usual and customary charge or 50% of the reasonable amount, whichever is less.

(6) When modifier code -TC, technical services, is used to identify the technical component of a radiology procedure, payment shall be made for the technical component only. The maximum allowable payment for the technical portion of the radiology procedure is designated in the manual by -TC.

(7) When modifier -57, initial decision to perform surgery, is added to an evaluation and management procedure code, then modifier -57 shall indicate that a consultant has taken over the case and the consultation code is not part of the global surgical service.

(8) When both surgeons use modifier -62 and the procedure has a maximum allowable payment, the maximum allowable payment for the procedure shall be multiplied by 25%. Each surgeon shall be paid 50% of the maximum allowable payment times 25%, or 62.5 % of the MAP. If the maximum allowable payment for the procedure is BR, then the reasonable amount shall be multiplied by 25% and be divided equally between the surgeons.

(9) When modifier code -80 is used with a procedure, the maximum allowable payment for the procedure shall be 20% of the maximum allowable payment listed in these rules, or the billed charge, whichever is less. If a maximum payment has not been established and the procedure is BR, then payment shall be 20% of the reasonable payment amount paid for the primary procedure.

(10) When modifier code -81 is used with a procedure code that has a maximum allowable payment, the maximum allowable payment for the procedure shall be 13% of the maximum allowable payment listed in these rules or the billed charge, whichever is less. If modifier code -81 is used with a BR procedure, then the maximum allowable payment for the procedure shall be 13% of the reasonable amount paid for the primary procedure.

(11) When modifier -82 is used and the assistant surgeon is a licensed doctor of medicine, doctor of osteopathic medicine and surgery, doctor of podiatric medicine, or a doctor of dental surgery, the maximum level of reimbursement shall be the same as for modifier -80. If the assistant surgeon is a physician's assistant, the maximum level of reimbursement shall be the same as modifier -81. If a person other than a physician or a certified physician's assistant bills using modifier -82, then the charge and payment for the service is reflected in the facility fee.

(12) When modifier -GF is billed with evaluation and management or minor surgical services, the carrier shall reimburse the procedure at 85% of the maximum allowable payment, or the usual and customary charge, whichever is less.

## **PART 10. REIMBURSEMENT**

### **SUBPART B. FACILITY REIMBURSEMENT**

#### **R 418.101015 General rules for facility reimbursement.**

Rule 1015. (1) A facility licensed by the state of Michigan shall receive the maximum allowable payment in accordance with these rules. The facility shall follow the process specified in these rules for resolving differences with a carrier regarding payment for the appropriate health care services rendered to an injured worker.

(2) The carrier or its designated agent shall assure that the UB-92 national uniform billing claim form, (D1450), is completed correctly before payment. A carrier's payment shall reflect any adjustments in the bill made through the carrier's utilization review program.

(3) A carrier shall pay, adjust or reject a properly submitted bill within 30 days of receipt, sending notice on a form entitled "Carrier's Explanation of Benefits" in a format specified by the agency. The carrier shall reimburse the facility a 3% late fee if more than 30 days elapse between a carrier's receipt of a properly submitted bill and a carrier's mailing of the payment.

(4) Submission of a correctly completed UB-92 claim form shall be considered to be a properly submitted bill. The following medical records shall also be attached to the facility charges as applicable:

Emergency room report.

The initial evaluations and progress reports every 30 days whenever physical medicine, speech and hearing services are billed by a facility.

The anesthesia record whenever the facility bills for the services of a CRNA or anesthesiologist.

(5) Additional records not listed in subrule (4) of this rule may be requested by the carrier and shall be reimbursed in accordance with R 418.10118.

#### **R 418.101016 Reimbursement for hospital facility services.**

Rule 1016. (1) A hospital licensed in Michigan billing facility services shall be reimbursed using the maximum payment ratio methodology for the following services:

Inpatient or observation care.

Emergency department services.

(c) Occupational, physical, and speech therapy services.

(d) Outpatient surgeries.

(e) Laboratory services and outpatient services not listed on Table 10922.

If a carrier pays a properly submitted bill or unadjusted portion of the bill within 30 days of receipt, then the payment is calculated by multiplying the charges times the hospital's maximum payment ratio times a multiplier of 107%. If a carrier pays the bill after 30 days, then the multiplier shall be 110% allowing for a 3% late fee.

(2) When a hospital outside the state of Michigan submits a bill for facility services, the carrier may initially process payment by using the method described in subrule (1) applying the average maximum payment ratio, as published in the health care services manual. If the facility located outside of Michigan does not accept reimbursement according to Michigan health care services rules, then the carrier shall negotiate the charges with the out-of-state facility and reimburse the facility according to the laws of the state where the facility is located.

(3) If applying the ratio methodology results in an amount greater than the hospital's charge, the carrier shall reimburse the hospital's charge. The only time a carrier shall pay in excess of the charge is if a properly submitted bill was not paid within 30 days and, in that instance, the carrier shall reimburse the charge plus a 3% late fee.

(4) Observation care shall not be for more than 24 hours. If the patient does not meet admission criteria according to the length of stay guidelines, then the patient shall be discharged from observation care.

**R 418.101017 Reimbursement for outpatient minor medical-surgical procedures performed in outpatient hospital setting when billed on UB-92.**

Rule 1017. (1) Reimbursement for services listed on Table 10922 shall be made as follows:

(a) If the service occurs in the first 10 days of care beginning for a work injury, then the hospital shall be reimbursed by the ratio methodology. The ratio methodology shall be used to reimburse the hospital facility for the following services:

Outpatient surgery.

Appropriate emergency room visits.

Inpatient hospitalization or 24-hour outpatient observation stays.

(b) If the service occurs after the first 10 days, then the carrier shall reimburse the facility for the technical component of the procedure, or 60% of the maximum allowable payment for those minor medical, surgical and radiology procedures.

(2) This rule shall not apply to services performed in a hospital-owned or hospital-system owned occupational or industrial clinics or departments, as those services shall be considered practitioner services and shall be billed and paid as a practitioner service.

**R 418.101022 Facility reimbursement excluding hospital or freestanding surgical outpatient facility.**

Rule 1022. (1) When the following licensed facilities provide services to an injured worker and bill the carrier, the billed services shall be considered by report:

(a) Nursing home.

(b) County medical care facility.

(c) Hospice.

(d) Hospital long-term care unit.

(e) Intermediate care facility or skilled nursing facility.

(2) A licensed facility in subrule (1) of this rule shall be reimbursed by its usual and customary charge or reasonable amount for the service provided, whichever is less. If a carrier does not reimburse the facility within 30 days of receipt of a properly submitted bill, the carrier shall reimburse the facility an additional 3% late fee.

**R 418.101023 Reimbursement for a freestanding surgical outpatient facility service.**

Rule 1023. (1) Reimbursement for surgical procedures performed in a freestanding surgical outpatient facility shall be determined by using grouper rates as determined by Medicare and published in the Federal Register. The surgical procedures shall be classified into 1 of 9 groupers, numbered 1-9. An allowable rate is assigned to each grouper and the payment is determined by multiplying the grouper rate times a wage index. The rates for the groupers shall be published by the agency in the Health Care Services Manual. The wage index shall be determined by the workers' compensation agency and shall be published in the Health Care Services Manual.

(2) The state of Michigan workers' compensation health care services rules shall adopt the payment system described in subrule 1 of this rule adding 80% to the rate reflecting a payment that is 80% higher than Medicare. The geographical wage-index used to calculate the payment for the surgical procedures shall be 1.0147, representing urban Michigan. The formula for determining the maximum allowable payment (MAP) for a surgical procedure performed in a freestanding surgical outpatient facility shall be as follows: (grouper rate) x (1.8) x (wage-index of 1.0147).

(3) When 2 or more surgical procedures are performed in the same operative session, the facility shall be reimbursed at 100% of the maximum allowable payment or the facility's usual and customary charge, whichever is less, for the procedure classified in the highest payment group. Any other surgical procedures performed during the same session shall be reimbursed at 50% of the maximum allowable payment or 50% of the facility's usual and customary charge, whichever is less. A facility may not unbundle surgical procedure codes when billing the services.

(4) When an eligible procedure is performed bilaterally, each procedure shall be listed on a separate line of the claim form and shall be identified with LT for left and RT for right. At no time shall modifier 50 be used by the facility to describe bilateral procedures.

(5) When an item is implanted during the surgical procedure and the freestanding surgical outpatient facility bills the implant and includes the copy of the invoice, the implant shall be reimbursed at the cost of the implant plus a percent mark-up as follows:

- (a) Cost of implant: \$1.00-\$500.00 shall receive cost + 50%.
- (b) Cost of implant: \$500.01-\$1000.00 shall receive cost + 30%.
- (c) Cost of implant: \$1000.01 and higher shall receive cost + 25%.

(6) Laboratory services shall be reimbursed by the maximum allowable payment as determined in R 418.101503.

(7) When a radiology procedure is performed intra-operatively, only the technical component shall be billed by the facility and reimbursed by the carrier. The professional component shall be included with the surgical procedure. Pre-operative and postoperative radiology services may be globally billed.

(8) When the freestanding surgical facility provides durable medical equipment, the items shall be reimbursed in accord with R 418.101003 (5).

**PART 11. HOSPITAL PAYMENT RATIO**

**R 418.101101 Calculation and revision of payment ratio for Michigan hospitals.**

Rule 1101. (1) The workers' compensation agency shall annually calculate and revise, under the provisions of 1969 PA 306, 24.201 et seq. MCL, the payment ratios for all Michigan hospitals. The calculation shall be made using a hospital's most recent fiscal year information that is submitted to the Michigan department of community health, medical services administration, preceding each annual calculation. The information used shall be that reported to the Michigan department of community health, medical services administration, on the hospital's statement of patient revenues and operating

expenses, G2 worksheet. The workers' compensation agency shall complete the payment ratio calculation between September 1 and October 1, or the earliest date when the figures are available from Michigan department of community health and shall annually publish the hospital ratio calculations in a separate manual effective for dates of service on or after the effective date of these rules.

(2) The workers' compensation agency shall calculate a hospital's cost-to-charge ratio by dividing each hospital's total operating expenses by total patient revenues as reported on the hospital's statement of patient revenues and operating expenses, G2 worksheet.

**R 418.101102 Calculation and revision of payment ratio for hospitals outside Michigan.**

Rule 1102. The workers' compensation agency shall annually calculate and revise, under the provisions of 1969 PA 306, as amended, being §24.201 et seq. of the MCL, at the same time as calculating Michigan hospitals' payment ratios, a weighted state average payment ratio to be used for hospitals that are located outside the state of Michigan. The payment ratio shall be calculated by dividing the total hospital operating expenses for Michigan by the total hospital patient revenues for Michigan as reported under R 418.1101(1).

**R 418.101103 Adjustments to hospital's payment ratio.**

Rule 1103. (1) A hospital may apply to the agency for an adjustment of the hospital's maximum payment ratio.

(2) The hospital shall apply for an adjustment on a form and in a manner prescribed by the workers' compensation agency.

(3) If the agency determines that a hospital's ratio of total operating expenses to total patient revenues, as reported on the hospital's statement of patient revenues and operating expenses, G2 worksheet, for a hospital's most recent fiscal year is higher than the payment ratio calculated according to R 418.1101, so that the amount of underpayment is more than \$100,000.00 or is equal to or greater than 2/10 of 1% of the hospital's operating expenses for the year, then the agency shall revise the payment ratio and shall notify the hospital and all carriers of the revised payment ratio within 45 days after the receipt of a properly submitted request for an adjustment.

(4) If a hospital's request for an adjustment to the hospital's payment ratio is denied by the workers' compensation agency, then a hospital may request reconsideration and appeal of the agency's action regarding the hospital's request for adjustment of its payment ratio.

**R 418.101104 Request for adjustment to hospital's maximum payment ratio; agency's response.**

Rule 1104. (1) Within 60 days of the agency's receipt of a hospital's request for adjustment to the hospital's maximum payment ratio, the workers' compensation agency shall notify the hospital of the action on the adjustment request and shall notify the hospital of the hospital's right to provide additional information to request reconsideration of the agency's action.

(2) The workers' compensation agency shall also furnish the hospital with an appeal form. The appeal form shall include an explanation of the appeal process.

**R 418.101105 Agency's action on request for adjustment of maximum payment ratio; hospital's appeal.**

Rule 1105. (1) If a hospital is in disagreement with the action taken by the workers' compensation agency on its request for adjustment of the hospital's maximum payment ratio, then a hospital may, within 30 days of receipt of the agency's action on the hospital's request for adjustment to its maximum payment ratio, deliver or mail an appeal of the agency's action to the agency. The appeal shall include a

detailed statement of the reasons for disagreement and shall request reconsideration of the agency's action on the hospital's request for adjustment.

(2) The workers' compensation agency shall hold a hearing within 30 days of the receipt of a hospital's appeal under section 847 of the act.

## **PART 12. CARRIER'S HEALTH CARE REVIEW PROGRAM**

### **R 418.101204 Carrier's professional health care review program.**

Rule 1204. (1) A carrier may have another entity perform professional health care review activities on its behalf.

(2) The workers' compensation agency shall certify a carrier's professional health care review program pursuant to R 418.101206.

(3) The carrier shall submit a completed form entitled "Application for Certification of the Carrier's Professional Health Care Review Program" to the agency. If the carrier is a self-insured employer or self-insured group fund, then the service company information shall be included on the form in addition to the carrier and review company information. In addition to the completed form, the carrier shall submit all of the following:

(a) The methodology used to perform professional review.

(b) A listing of the licensed, registered, or certified health care professionals reviewing the health care bills or establishing guidelines for technical review. In addition, the proof of current licensure and qualifications for the health care professionals shall be included with the completed application.

(c) A list of the carrier's peer review staff, including specialty.

(4) The workers' compensation carrier as defined by these rules maintains full responsibility for compliance with these rules.

(5) The carrier shall determine medical appropriateness for the services provided in connection with the treatment of a covered injury or illness, using published, appropriate standard medical practices and resource documents. Utilization review shall be performed using 1 or both of the following approaches:

(a) Review by licensed, registered, or certified health care professionals.

(b) The application by others of criteria developed by licensed, registered, or certified health care professionals.

(6) The licensed, registered, or certified health care professionals shall be involved in determining the carrier's response to a request by a provider for reconsideration of its bill.

(7) The licensed, registered, or certified health care professionals shall have suitable occupational injury or disease expertise, or both, to render an informed clinical judgment on the medical appropriateness of the services provided.

(8) When peer review is utilized, a health care professional of the same specialty type as the provider of the medical service shall perform the review.

### **R 418.101205 Scope of professional health care review.**

Rule 1205. (1) The carrier, or its review company, shall review case records and health-service bills, or both, under the professional health care review program as follows:

(a) A case where health care service payments, excluding inpatient hospital care, exceed \$20,000.00.

(b) A case involving inpatient hospital care.

(2) The carrier or other entity may at any time review any case record or bill which the carrier or the other entity believes may involve inappropriate, insufficient, or excessive care.

**R 418.101206 Certification of professional health care review program.**

Rule 1206. (1) The workers' compensation agency shall certify the carrier's professional health care review program.

(2) A carrier, or the reviewing entity on behalf of the carrier, shall apply to the agency for certification of a carrier's professional health care review program in the manner prescribed by the workers' compensation agency. The carrier shall submit a copy of "The Carriers Explanation of Benefits" form utilized to notify providers of payment decisions.

(3) A carrier shall receive certification if the carrier or the carrier's review company provides to the agency a description of its professional health care review program and includes all of the information specified in R 418.101204. The workers' compensation agency shall send a copy of the certification of the carrier's review program to the carrier, and to the service company and review company when appropriate.

**R 418.101207 Types of certification.**

Rule 1207. (1) Certification shall be either unconditional or conditional.

(2) The workers' compensation agency shall issue unconditional certification for a period of 3 years.

(3) The agency may issue conditional certification if it is determined that the carrier or other entity does not fully satisfy the criteria in R 418.101206(3). If the carrier or other entity agrees to undertake corrective action, then conditional certification shall be granted by the agency for a maximum period of 1 year.

(a) If the workers' compensation agency receives multiple written complaints regarding a carrier, or the carrier's review process, and the agency determines the complaints are valid, or that the carrier has not processed payment for medical services in accord with these rules, then the agency may issue conditional certification.

(4) The workers' compensation agency may at any time modify an unconditional certification to a conditional certification if the agency determines that the carrier or other entity fails to satisfy the criteria set forth in R 418.101206(3).

(5) The carrier shall have the right to appeal the certification decisions under the procedures in these rules.

**R 418.101208 Renewal of certification.**

Rule 1208. (1) A carrier or other entity shall apply to the workers' compensation agency for renewal of certification in the manner prescribed by the agency, submitting the application 6 months prior to the expiration date on the certification.

(2) A carrier or other entity shall receive renewal of certification upon receipt of an updated description of its program as specified in R 418.101206.

**R 418.101209 Carrier's request for reconsideration of professional review certification.**

Rule 1209. (1) Within 30 days of the agency's denial of a carrier's request for professional review program certification, the agency shall notify the carrier of the reasons for denial of the certification and shall notify the carrier of its right to request reconsideration of the denial providing additional information.

(2) A carrier shall notify the agency, within 30 days of receipt of the professional review program certification denial, of its disagreement with the action of the agency. The carrier's notice to the agency of disagreement with the agency's denial shall include a detailed statement of the reasons for the disagreement and shall request reconsideration.



**R 418.101210 Carrier's request for reconsideration of professional review program certification; response.**

Rule 1210. (1) Within 30 days of receipt of a carrier's request for reconsideration of professional review program certification, the workers' compensation agency shall notify the carrier of the actions taken and shall furnish a detailed statement of the reasons for the action taken.

(2) The agency shall furnish the carrier with an appeal form. The appeal form shall include an explanation of the appeal process.

(3) If a carrier is in disagreement with the action taken by the agency on its request for reconsideration, then a carrier shall deliver or mail its appeal to the agency.

(4) The workers' compensation agency shall hold a hearing within 30 days of the receipt of a carrier's appeal of the agency's decision regarding certification of the carrier's professional review program under section 847 of the act.

**PART 13. PROCESS FOR RESOLVING DIFFERENCES  
BETWEEN CARRIER AND PROVIDER REGARDING BILL**

**R 418.101301 Carrier's adjustment or rejection of properly submitted bill.**

Rule 1301. (1) If a carrier adjusts or rejects a bill or a portion of the bill, then the carrier shall notify the provider within 30 days of the receipt of the bill of the reasons for adjusting or rejecting the bill or a portion of the bill and shall notify the provider of its right to provide additional information and to request reconsideration of the carrier's action. The carrier shall set forth the specific reasons for adjusting or rejecting a bill or a portion of the bill and request specific information on a form, "Carrier's Explanation of Benefits," prepared by the agency pursuant to the reimbursement section of these rules.

(2) If the provider sends a properly submitted bill to a carrier and the carrier does not respond within 30 days, and if a provider sends a second properly submitted bill and does not receive a response within 60 days from the date the provider supplied the first properly submitted bill, then the provider may file an application with the agency for mediation or hearing. The provider shall send a completed form entitled "Application for Mediation and Hearing" to the agency and shall send a copy of this form to the carrier.

(3) The carrier shall notify the employee and the provider that the rules prohibit a provider from billing an employee for any amount for health care services provided for the treatment of a covered work-related injury or illness if that amount is disputed by the carrier under its utilization review program or if the amount is more than the maximum allowable payment established by these rules. The carrier shall request the employee to notify the carrier if the provider bills the employee.

**R 418.101303 Provider's request for reconsideration of bill; carrier's response to provider's right to appeal.**

Rule 1303. (1) Within 30 days of receipt of a provider's request for reconsideration, the carrier shall notify the provider of the actions taken and provide a detailed statement of the reasons. The carrier's notification shall include an explanation of the appeal process provided under these rules, including the fact that any requested administrative appeal hearing shall be conducted by a magistrate of the department of labor & economic growth.

(2) If a provider disagrees with the action taken by the carrier on the provider's request for reconsideration, then a provider may file an application for mediation or hearing with the department of labor & economic growth. A provider shall send its application for mediation or hearing to the agency within 30 days from the date of receipt of a carrier's denial of the provider's request for reconsideration. The provider shall send a copy of the application to the carrier.

(3) If, within 60 days of the provider's request for reconsideration, the provider does not receive payment for the adjusted or rejected bill or a portion of the bill, or a written detailed statement of the reasons for the actions taken by the carrier, then the provider may apply for mediation or hearing. The provider shall send the application for mediation or hearing to the agency and shall send a copy to the carrier.

#### **R 418.101304 Disputes.**

Rule 1304. (1) If a carrier adjusts or rejects a bill or a portion of a bill under these rules, then a notice given under R 418.101301(1) creates an ongoing dispute for the purpose of section 801 of the act. The time for making payment of a bill under section 801 of the act shall not run unless the bill is properly submitted according to applicable rules and statutes.

(2) Any dispute that concerns any of the following shall be resolved as if an application for mediation or hearing was filed under section 847 of the act:

- (a) The medical appropriateness of health care or a health care service.
- (b) Utilization of health care or a health care service.
- (c) The need for health care or a health care service.
- (d) Any dispute over the cost of health care or a health care service.

(3) If the dispute results in the denial of medical treatment for a worker, or if there is a petition by an employer to stop the employer's liability for medical benefits previously ordered, including proceedings under subrule (6) of this rule, then the dispute shall receive the same expedited treatment accorded to 60-day cases under section 205 of the act, except that the agency may refer the matter to mediation under section 223 of the act.

(4) A dispute under this rule may be submitted to arbitration under section 864 of the act.

(5) A dispute under this rule may be handled as a small claim under section 841(2) to (10) of the act if it meets the requirements of that section.

(6) If a carrier is required by the terms of an award to provide medical benefits, then the carrier shall continue to provide those benefits until there is a different order by any of the following entities:

- (a) A magistrate.
- (b) The appellate commission.
- (c) The court of appeals.
- (d) The supreme court.

This subrule shall not preclude the use of the maximum allowable payments provided by these rules for the payment of bills by carriers. If a carrier files an application to stop or limit its liability under this subrule, the carrier shall receive the expedited treatment provided for under subrule (3) of this rule.

(7) If the agency believes that a provider is not in compliance with these rules, then the agency may file an application for mediation or hearing under this rule.

#### **R 418.101305 Resolution of disputes.**

Rule 1305. (1) If a carrier adjusts a fee or rejects a bill under these rules, then a notice given pursuant to R 418.101301 creates a continuing dispute for the purpose of section 801 of the act. The time for making payment of a bill under section 801 of the act shall not run unless the bill is properly submitted according to applicable rules and statutes.

(2) A magistrate, as provided under sections 315 and 847 of the act and R 408.34 and R 408.35, shall resolve any dispute that concerns any of the following:

- (a) The medical appropriateness of health care or a health care service.
- (b) Utilization of health care or a health care service.
- (c) The need for health care or a health care service.

(d) Any dispute over the cost of health care or a health care service.

(3) The agency may participate in any hearings that concern disputes when there is an issue that affects the provisions of these rules regarding maximum fees, medical appropriateness, or utilization of health care or health care services.

## **PART 14. DATA ACQUISITION**

### **R 418.101401 Annual medical payment report.**

Rule 1401. (1) Payments for medical services received by injured workers shall be reported to the workers' compensation agency on a form prescribed by the agency entitled "Annual Medical Payment Report." The agency shall provide instruction to the carriers and service companies regarding completion of the form. The annual medical payment report shall cover the periods January 1 through December 31 and shall include all of the following information:

(a) The carrier's total number of worker's compensation cases and the total medical payments for health care services for those cases in the reporting period.

(b) Medical only cases, defined as those cases where no indemnity was paid, and the total medical payments made by the carrier for those cases.

(c) Wage loss cases, defined as those cases in which wage loss or indemnity was paid, and the total medical payments made by the carrier for those cases. For the purposes of this annual medical payment report, once wage loss benefits are paid, then the case shall always be reported as wage loss.

(2) The annual medical payment report shall be due in the agency by February 28 of each year. The report shall not include travel expenses, payments for independent medical examinations, vocational rehabilitation, or rehabilitation case management expenses.

### **R 418.101402 Access to workers' compensation case records.**

Rule 1402. (1) The workers' compensation agency shall have access to necessary workers' compensation health care records, medical bills, and other information concerning health care or health service from workers' compensation carriers or providers.

(2) The agency may review the records and medical bills of any provider determined by a carrier to not be in compliance with the rules or to be requiring unjustified treatment, hospitalization, or office visits. If a carrier requests the agency to perform an on-site review of specific records and medical bills of a provider, then the agency shall arrange a mutually acceptable visit date with the provider, by telephone or in writing, at least 15 working days before the visit. The agency shall confirm the date of the visit in writing not less than 10 working days in advance. The agency shall, by that time, identify for the provider the records, which the agency wishes to review. The records shall remain at the provider's place of business.

(3) The workers' compensation agency shall ensure confidentiality of the individual case records regarding health care services provided to any individual.

### **R 418.101404 Access to carrier data for payment of medical claims.**

Rule 1404. (1) The workers' compensation agency shall have access to payment data from the carrier in the form of the carrier's explanation of benefits and medical bills for the purposes of data analysis.

(2) A carrier shall be notified by the agency when information is to be submitted not less than 60 days before the date required.

(3) The agency shall ensure confidentiality of the billing records provided by the selected carriers.

## PART 15. PROCEDURE CODE AND REIMBURSEMENT TABLES

### **R 418.101501 Tables for health care services and procedures.**

Rule 1501. (1) Procedures that do not have relative values assigned are referenced in part 15 of these rules and have assigned fees developed by the workers' compensation agency through rule promulgation and shall be published as part of these rules.

(2) The agency shall publish separate from these rules a manual containing all of the following:

(a) Procedure codes and relative value units for the medical, surgical, and radiology services.

(b) Reference to the ancillary services identified in Medicare's Level II codes as adopted by reference in R 418.10107.

(c) Maximum payment ratios for hospitals.

(d) A copy of the billing forms and instructions for completion.

### **R 418.101502 Miscellaneous medical and surgical procedures.**

Rule 1502. The medical and surgical procedures without assigned relative values or specific payment methodologies are listed in the following table:

99000	Handling or conveyance of specimen.....	\$5.00
99050	After hour office service Monday-Friday (R 418.10202).....	\$5.00
99052	Services between 10:00pm and 8:00am .....	\$5.00
99054	Weekend, holiday after hour office service .....	\$12.00
99199	Carrier arranged missed appointment. (R 418.10111).....	BR
99199-32	Carrier or requested report, per page (R 418.10114).....	\$25.00
WC700	Prescription drug dispense fee (R 418.10912(4) .....	\$4.00
99455-32	Carrier requested visit for job evaluation (R 418.10404).....	\$70.00
RN001-32	Rehabilitation or case manager visit (R 418.10121).....	\$25.00

### **R 418.101503 Laboratory procedure codes and maximum allowable payments.**

Rule 1503. (1) The workers' compensation agency shall determine the maximum allowable payment for the laboratory procedure codes, 80048-89356 published in "Physicians' Current Procedural Terminology (CPT®) as adopted by reference in R 418.10107. The rate shall be determined by multiplying the Medicare rate established for the state of Michigan by 110%.

(2) The pathology procedure codes found in the 80000 series of procedure codes listed in CPT® as adopted by reference in R 418.10107 have assigned relative values and shall be published by the agency in a separate manual.

(3) The maximum allowable payments for the laboratory and pathology procedures shall be published the Health Care Services Manual separate from these rules.

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**PROPOSED ADMINISTRATIVE RULES,  
NOTICES OF PUBLIC HEARINGS**

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*MCL 24.242(3) states in part:*

*“... the agency shall submit a copy of the notice of public hearing to the office of regulatory reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the office of regulatory reform.”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\*       \*       \*

*(d) Proposed administrative rules.*

*(e) Notices of public hearings on proposed administrative rules.”*

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**PROPOSED ADMINISTRATIVE RULES**

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**ORR # 2004-005**

**FAMILY INDEPENDENCE AGENCY**

**DIRECTOR'S OFFICE**

**LICENSING RULES FOR FAMILY AND GROUP CHILD CARE HOMES**

Filed with the Secretary of State on  
These rules take effect on

(By authority conferred on the director of the Family Independence Agency by Section 427 of 1965 PA 380, Section 2233 of 1978 PA 368, Executive Reorganization Order Nos. 1996-1, 1996-2 and 2003-18, MCL 16.527, 333.2233, 330.3101, 445.2001 and 445.2011.)

January 21, 2005

R 400.1801, R 400.1802, R 400.1803, R 400.1804, R 400.1805, R 400.1806, R 400.1807, R 400.1808, R 400.1809, R 400.1810, R 400.1811, R 400.1812, R 400.1813, R 400.1814, R 400.1815, R 400.1816, R 400.1817, R 400.1818, R 400.1821, R 400.1822, R 400.1831, R 400.1832, R 400.1833, R 400.1834, R 400.1835, R 400.1841, R 400.1842, and R 400.1851 of the Michigan Administrative Code are rescinded, and R 400.1901, R 400.1902, R 400.1903, R 400.1904, R 400.1905, R 400.1906, R 400.1907, R 400.1908, R 400.1909, R 400.1910, R 400.1911, R 400.1912, R 400.1913, R 400.1914, R 400.1915, R 400.1916, R 400.1917, R 400.1918, R 400.1919, R 400.1920, R 400.1921, R 400.1922, R 400.1923, R 400.1924, R 400.1931, R 400.1932, R 400.1933, R 400.1934, R 400.1935, R 400.1936, R 400.1941, R 400.1942, R 400.1943, R 400.1944, R 400.1945, R 400.1951, R 400.1952, R 400.1961, R 400.1962, R 400.1963, R 400.1971 are added to the Code as follows:

**PART 1. GENERAL PROVISIONS**

R 400.1801 ~~Definitions.~~ Rescinded.

~~Rule 1. (1) As used in these rules~~

~~(a) "Act" means Act No. 116 of the Public Acts of 1973, as amended, being §722.111 et seq. of the Michigan Compiled Laws.~~

~~(b) "Approved" means having been reviewed and accepted by a designated inspecting authority or an agency that has jurisdiction.~~

~~(c) "Assistant caregiver" means a person who is under the supervision of the caregiver and who provides direct care, supervision, and protection to children in care.~~

~~(d) "Caregiver" means a family day care home registrant or group day care home licensee who lives in the home and whose duties include direct care, supervision, and the protection of children in care.~~

~~(e) "Care giving staff" means the caregiver and any assistant caregiver.~~

~~(f) "Child passenger restraint device" means a device which is used to restrain a child who weighs 40 pounds or less, which meets the requirements of federal motor vehicle safety standard no. 213 entitled "Child Seating Systems," 49 C.F.R. §471.213, 1984, which performs satisfactorily in a dynamic test, and which is appropriate for the size and physical condition of the child being transported.~~

- (g) ~~“Day-care home family” means all persons living, on an ongoing or intermittent basis, in the family or group day-care home.~~
- (h) ~~“Field trip” means an excursion, trip, or program activity that requires the use of vehicles or public transportation.~~
- (i) ~~“Fire alarm” means a device that is used to alert all persons in the home of fire conditions. The device shall be heard in all parts of the home that are used by children and care-giving staff.~~
- (j) ~~“Foster child” means a person who resides in a foster home, who was placed there by a placing agent, who is not living with a parent or legal guardian, who is less than 18 years of age or becomes 18 years of age while residing in the foster home and continues to reside in the foster home as a dependent adult, and who is not related to an adult member of the foster family by blood, adoption, or marriage.~~
- (k) ~~“Means of egress” means the entire route of leaving rooms from the home to open air away from the home to ground level.~~
- (l) ~~“Parent” means a child’s natural or adoptive parent who is legally responsible for the child or means the child’s legal guardian.~~
- (m) ~~“Safety belt” means a lap belt or lap or shoulder belt combination that is designed to restrain and protect a passenger or driver of a vehicle from injury.~~
- (n) ~~“Transportation” means the taking of children by means of a vehicle to or from a family or group day-care home and to and from all other activities planned by or through the family or group day-care home.~~
- (o) ~~“Vehicle” means an automobile, truck, van, or mini-motor home that transports persons upon a highway.~~
- (2) ~~Terms defined in the act have the same meanings when used in these rules.~~

R 400.1802 ~~Care-giving staff and day-care home family; qualifications and responsibilities. Rescinded.~~  
Rule 2. (1) ~~A caregiver shall comply with all of the following provisions:~~

- (a) ~~Be 18 years of age or older.~~
- (b) ~~Be responsible for providing appropriate care and supervision of children at all times.~~
- (c) ~~Be present in the home and provide direct care and supervision to each child for the majority of time the child is in care.~~
- (d) ~~Have an arrangement with a person who is 18 years of age or older to assist as a care-giving staff person in an emergency situation.~~
- (e) ~~Provide the department with the name of any person who lives in the home or who cares for children and who has been convicted of a crime other than a minor traffic violation or who has been involved in substantiated abuse or neglect of children.~~
- (f) ~~Provide the department with a written statement verifying a person’s personal fitness to care for, or to be associated with, children for any person who lives in a home or who cares for children and who has been treated on an inpatient or outpatient basis for an emotional or mental problem during the last 2 years. Such statement shall be obtained from the medical or mental health professional who is directly involved in the treatment plan or the administrative director of the mental hospital or mental institution.~~
- (g) ~~A current license or certificate of registration shall be posted in a conspicuous place.~~
- (2) ~~An assistant caregiver shall be 14 years of age or older. When a 14 or 15-year-old person is used as an assistant caregiver, a parent of an enrolling child or a parent of a child in care shall be informed of the age of the assistant caregiver.~~
- (3) ~~A care-giving staff member shall be of responsible character and shall be suitable and able to meet the needs of children and provide for their care, supervision, and protection.~~
- (4) ~~A caregiver or assistant caregiver who is 18 years of age or older shall be present in the home at all times when children are in care.~~

~~(5) When day care children are up and awake, care giving staff shall be up and awake providing adequate supervision and care as required by this rule and R 400.1803.~~

~~(6) The day care home family shall be of good moral character and be suitable to assure the welfare of children.~~

~~(7) The day care home applicant, registrant, or licensee shall authorize the department to conduct a criminal history and protective service background check to assess the good moral character and suitability of the day care home family.~~

~~R 400.1803 Ratio of care giving staff to children. Rescinded.~~

~~Rule 3. (1) The ratio of care giving staff to children present in the home at any one time shall be not less than 1 care giving staff member to 6 children. The ratio shall include all unrelated children in care and any of the following children who are less than 7 years of age:~~

~~(a) Children of the assistant caregiver.~~

~~(b) Children of the caregiver.~~

~~(c) Children related to any adult member of the day care home family by blood, marriage, or adoption.~~

~~(2) Within any group of 5 or 6 children in the care of a caregiver, not more than 4 children shall be under the age of 30 months, with not more than 2 of the 4 children under the age of 18 months.~~

~~(3) A group home may have 3 caregivers, each of whom would have responsibility for not more than 4 children under the age of 30 months, with not more than 2 of the 4 children under the age of 18 months.~~

~~(4) Subrules (2) and (3) of this rule take effect 6 months after the effective date of these rules.~~

~~R 400.1804 Discipline and child handling. Rescinded.~~

~~Rule 4. (1) A caregiver shall review with a parent the methods of child handling and discipline to be used with children in care. This policy shall not include any child handling or disciplinary methods that are prohibited by law or these rules. This policy shall be in writing and provided to all parents of children in care. The provider shall keep a signed statement on file which states that a parent has received a copy of the policy.~~

~~(2) All of the following methods of handling children in care are prohibited.~~

~~(a) Physical force or any other form of corporal punishment, including spanking.~~

~~(b) Restricting a child's movement by binding or tying him or her.~~

~~(c) Using mental or emotional cruelty as a means to discipline a child.~~

~~(d) Withholding necessary food, rest, or toilet use.~~

~~(e) Confining a child in an area such as a closet or locked room.~~

~~(3) Moderate restraint may be used to prevent a child from harming himself or herself, to prevent a child from harming other persons or property, or to allow a child to gain control of himself or herself.~~

~~(4) This rule is not subject to a rule variance as specified in R400.1818.~~

~~R 400.1805 Daily activity program. Rescinded.~~

~~Rule 5. (1) A caregiver shall review the child's daily needs and activities, including toilet training, with a parent or parents.~~

~~(2) A caregiver shall provide a daily routine and activities in accordance with the age and needs of the individual child, including all of the following:~~

~~(a) Active and quiet play.~~

~~(b) Indoor and outdoor play as weather permits.~~

~~(c) Rest or sleep, or both.~~

~~(3) A home shall permit parents or legal guardians to visit at any time children are in care.~~

~~R 400.1806 Play equipment; sleeping accommodations; telephone access. Rescinded.~~



~~Rule 6. (1) A variety and number of toys, games, and other play equipment shall be available to the child and shall be safe and appropriate for a child at his or her stage of development.~~

~~(2) Each child shall have an individual, comfortable, safe, and clean place to sleep or rest. The floor shall be used only when padded, warm, and free from drafts.~~

~~(3) A child who is 12 months of age or younger shall sleep or rest in a crib or playpen.~~

~~(4) A working telephone shall be accessible on the premises.~~

~~R 400.1807 Parent notification of accidents, illness, or disease required; isolation; sanitation. Rescinded.~~

~~Rule 7. (1) A caregiver shall promptly report to a parent any accidents, suspected illness, or other changes observed in the health of a child.~~

~~(2) A caregiver shall notify a parent of a child who is exposed to a communicable disease so that the child may be observed for symptoms of the disease.~~

~~(3) A care-giving staff member shall isolate a child who is too ill to remain in the group in an area where the child can be supervised and made as comfortable as possible.~~

~~(4) Bedding that is used by an ill individual shall be laundered. Toys, utensils, a toilet, and a lavatory used by an ill individual shall be appropriately cleaned before being used by another child.~~

~~R 400.1808 Reports of accident illness, death, or fire. Rescinded.~~

~~Rule 8. (1) Within 24 hours of the accident or illness which results in emergency treatment or hospitalization at a health facility or which results in a death, a caregiver shall report, to the department, any accident or serious illness that occurs while a child is in care.~~

~~(2) Within 24 hours after the occurrence of a fire which results in the loss of property or personal injury, a caregiver shall report, to the department, any such fire that occurs in a home.~~

~~R 400.1809 Health records of children in care. Rescinded.~~

~~Rule 9. At the time of initial attendance, a caregiver shall obtain a health record for each child in care. The record shall contain all of the following:~~

~~(a) Written permission, signed by a parent, to seek emergency medical care.~~

~~(b) A statement, signed by a parent, that the child is free from communicable diseases.~~

~~(c) Information as to the immunization and boosters, if any, completed or in progress as recommended by the department of public health.~~

~~(d) For a child with a handicap or health problem, a statement signed by a parent that indicates the limits of participation in the daily activities that would be a risk to the child's health and any special needs or treatment.~~

~~(e) A child whose parent, on religious grounds, objects to seeking emergency medical care, a physical examination, medical treatment or immunizations may be admitted to the home if the parent provides the home with a signed statement that the child appears to be in good health and that the parent assumes responsibility for the child's state of health while at the home, with the understanding that the parent be notified immediately when any treatment appears necessary.~~

~~R 400.1810 Medication; administrative procedures. Rescinded.~~

~~Rule 10. If medication is to be administered by a caregiver or assistant caregiver, all of the following procedures shall be followed:~~

~~(a) Medication shall be given or applied only with prior written permission from a parent.~~

~~(b) Medication shall be in the original container, stored according to instructions, and clearly labeled for a named child.~~

- ~~(c) A caregiver shall keep the medication out of the reach of children and shall return the medication to the child's parent or destroy it when the parent determines it is no longer needed.~~
- ~~(d) A caregiver shall give or apply the medication according to instructions provided.~~
- ~~(e) A caregiver shall maintain a record as to the time and the amount of medication given or applied.~~

~~R 400.1811 Communicable disease; exclusion of care-giving staff and day-care home family from contact with children required. Rescinded.~~

~~Rule 11. A person who lives in a home or cares for children who has a suspected or a confirmed case of an communicable disease shall not come into contact with children in care.~~

~~R 400.1812 Health records of care-giving staff and day-care home family; record maintenance. Rescinded.~~

~~Rule 12. (1) A caregiver shall maintain a record that contains both of the following items:~~

- ~~(a) For each care-giving staff member, a statement which is signed by a licensed physician or his or her designee and which attests to the health of the staff member. The statement shall be signed within the 12-month period before care-giving and every 3 years thereafter.~~
- ~~(b) For all care-giving staff, and for other persons who are 14 years of age or older and who live in the home, written evidence of freedom from communicable tuberculosis that is verified within 1 year before caregiving and every 3 years thereafter.~~
- ~~(2) If immunizations, as recommended by the department of public health, have not been given or completed for all minor children who live in the home, a caregiver shall so inform the parent of each child in care.~~
- ~~(3) A caregiver shall, for a period of 3 years, retain the records required by subrule (1) of this rule and the name, address, and telephone number of all persons who provided child care in the home.~~

~~R 400.1813 Record maintenance; provision of rules to parents required. Rescinded.~~

~~Rule 13. (1) A caregiver shall obtain all of the following information at the time of a child's initial attendance:~~

- ~~(a) The child's full name, date of birth, date of admission, and date of discharge.~~
- ~~(b) The name of a parent or parents.~~
- ~~(c) The home address and telephone number of parent.~~
- ~~(d) The parent's or parents' business address, telephone number, and hours of employment.~~
- ~~(e) The name, address, and telephone number of the family physician or clinic and hospital preferred by the parent in an emergency.~~
- ~~(f) The name, address, and telephone number of another person to be notified in case of emergency.~~
- ~~(g) Health insurance identification information.~~
- ~~(h) The names of persons, other than a parent, to whom the child may be released.~~
- ~~(i) A child whose parent objects, on religious grounds, to providing physician, clinic, hospital, or health insurance information may be admitted to the home if the parent assumes responsibility for the child's state of health while at the home.~~
- ~~(2) The information specified in subrule (1) of this rule shall be retained for 3 years.~~
- ~~(3) A caregiver shall give each parent who places a child in a day-care home a copy of the family or group day-care home rules as furnished by the department. A caregiver shall maintain verification that each parent has received a copy of the rules.~~

~~R 400.1814 Indoor and outdoor space. Rescinded.~~

~~Rule 14. (1) A day-care home shall provide not less than 35 square feet per child of usable, accessible indoor floor space, exclusive of bathrooms and storage areas.~~

- ~~(2) Only space that is approved for child used by the department may be used for child care.~~
- ~~(3) There shall not be more than 2 contiguous floors used by day-care children when only 1 caregiver is present.~~
- ~~(4) A day-care home shall provide an outdoor play area which is not less than 400 square feet and which is available on the premises or within a reasonable walking distance of the home.~~

R 400.1815 Nighttime care: Rescinded.

- Rule 15. ~~(1) In a home where children are in care between the hours of 12 midnight and 6 a.m., not more than 2 floor levels shall be used at any one time to sleep children. These 2 floor levels shall be adjoining.~~
- ~~(2) When both care-giving staff and day-care children sleep, at least 1 care-giving staff member shall sleep on the same floor level when there are children in care.~~
  - ~~(3) Homes shall not use a third or higher floor as a resting or sleeping area for children in care unless there are 2 stairways to ground level.~~

R 400.1816 Concurrent licensing: Rescinded.

- Rule 16. ~~(1) A day-care home provider who is also licensed as a children's foster home provider shall so inform the parents of all day-care children in care.~~
- ~~(2) A day-care home that provides care for both child day care and foster care children shall not care for more than 8 children, including children who are under 17 years of age and who are related to the daycare provider by blood, marriage, adoption, or legal guardianship; foster children; and all other children who are cared for on a part-time or full-time basis.~~

R 400.1817 Advertising; inclusion of license or registration number: Rescinded.

- Rule 17. ~~A day-care home that advertises its services shall include its license or registration number in the notice.~~

R 400.1818 Rule variance: Rescinded.

- Rule 18. ~~(1) Upon written request of an applicant or registrant, the department may grant a variance from an administrative rule if the alternative proposed provides clear and convincing evidence that the health, welfare, and safety of children is protected.~~
- ~~(2) The decision of the department shall be entered upon the records of the department and a signed copy shall be sent to the applicant or registrant. A variance may remain in effect for as long as the registrant continues to comply with the conditions of the variance or may be time limited.~~

## PART 2. ENVIRONMENT

R 400.1821 Food: Rescinded.

- Rule 21. ~~(1) Each child shall be provided with nutritional food to meet each child's needs for growth and development. Foods shall be provided so that excessively long periods between meals and snacks do not occur.~~
- ~~(2) Food shall be prepared and stored in a safe manner.~~
  - ~~(3) If a parent has agreed to provide the food, the caregiver shall have a written agreement from the parent and shall be responsible for providing adequate food if the parent does not.~~
  - ~~(4) When home-canned foods and unpasteurized milk products are served, parents shall be informed.~~

R 400.1822 Home maintenance and safety; ventilation; bathroom facilities; water supply; sewage disposal: Rescinded.

~~Rule 22. (1) The structure, premises, and furnishings of a day-care home shall be maintained in a clean, safe, and comfortable condition.~~

~~(2) All dangerous and hazardous materials or items shall be stored securely and out of the reach of children.~~

~~(3) All steps, stairs, porches, and elevated structures to which children in care have access shall be protected to prevent falls.~~

~~(4) Each room that is used by a day-care child shall have adequate ventilation. Windows and doors that are used for ventilation shall be screened.~~

~~(5) A day-care home shall have a minimum of 1 flush toilet and 1 washbasin with hot and cold running water.~~

~~(6) The water supply shall be from an approved source.~~

~~(7) All sewage shall be disposed of through a public system or, in the absence thereof, in a manner approved by the health authority.~~

### ~~PART 3. FIRE SAFETY~~

~~R 400.1831 Heat-producing equipment. Rescinded.~~

~~Rule 31. (1) All of the following items shall be maintained in a safe condition and shielded to protect against burns:~~

~~(a) A furnace.~~

~~(b) A water heater.~~

~~(c) Fireplaces.~~

~~(d) Pipes.~~

~~(e) Woodburning stoves.~~

~~(f) Other flame-producing or heat-producing equipment.~~

~~(2) Combustible materials and equipment shall not be stored within 4 feet of heat plants or combustible hot water heaters.~~

~~(3) Portable heating devices shall not be used when day-care children are in care.~~

~~(4) Furnaces or other flame or heat-producing equipment shall be inspected by any of the following entities:~~

~~(a) A licensed heating contractor.~~

~~(b) A qualified fire inspector.~~

~~(c) An insurance company.~~

~~(d) The department of labor.~~

~~(e) A local building inspector.~~

~~(5) For group day-care homes, the inspection specified in subrule (4) of this rule shall be conducted before a license is issued and every 2 years thereafter at the time of renewal. For family day-care homes, the inspection specified in subrule (4) of this rule shall be conducted before the 90-day on-site visit and every 3 years thereafter at the time of renewal.~~

~~R 400.1832 Electrical service; maintenance. Rescinded.~~

~~Rule 32. The electrical service of a day-care home shall be maintained in a safe condition.~~

~~R 400.1833 Exits; location and maintenance; use of certain space for child care prohibited. Rescinded.~~

~~Rule 33. (1) There shall be 2 exits in each day-care home from each floor level used by children. The exits shall be remote from each other. At least 1 exit from each floor level shall provide a direct, safe means of unobstructed travel to the outside at street or ground level.~~

~~(2) A window may be used as a second exit if it is in compliance with all of the following provisions:~~

- ~~(a) Is accessible to children and caregivers.~~
- ~~(b) Is clearly identified.~~
- ~~(c) Can be readily opened.~~
- ~~(d) Is of a size and design to allow for the evacuation of children and caregivers.~~
- ~~(3) A room or space, including an attic, that is accessible only by a ladder or folding stairway or through a trapdoor shall not be used by children in care.~~
- ~~(4) When children in care occupy a level of a home that is above the second floor, the building shall be of 1-hour fire-resistive construction and shall have 2 stairways to ground level. At least 1 of the required stairways and all other vertical openings shall be enclosed by, at a minimum, 1-hour fire-resistive construction to provide a protected means of egress direct to the outside at ground level.~~

R 400.1834 ~~Smoke detectors; fire extinguishers.~~ Rescinded.

~~Rule 34. At least 1 single-station smoke detector that is approved by a nationally recognized testing laboratory shall be installed and maintained as follows:~~

- ~~(a) On each floor of the home, including the basement.~~
- ~~(b) Where a sleeping or resting area exists on a floor, that floor level's smoke detector shall be installed between the sleeping area and the rest of that floor.~~
- ~~(c) Heat detectors may be utilized in kitchens.~~
- ~~(d) A home shall have at least 1 functioning multipurpose fire extinguisher, with a rating of not less than 2A-10BC, properly mounted on each floor that is used by children in care.~~

R 400.1835 ~~Establishment of evacuation and care plan required.~~ Rescinded.

~~Rule 35 (1) A written plan for the evacuation and care of children shall be established and posted for each of the following emergencies:~~

- ~~(a) Fire.~~
- ~~(b) Tornado.~~
- ~~(c) Serious accident or injury.~~
- ~~(2) A caregiver shall inform each assistant caregiver and emergency person of the overall evacuation plan and of his or her individual duties and responsibilities in the event of an emergency specified in subrule (1) of this rule.~~
- ~~(3) Fire and tornado drill programs shall be established and practiced. Fire drills shall be practiced at least once every 3 months and tornado drills shall be practiced during tornado season.~~
- ~~(4) A written record shall be kept of all drills.~~
- ~~(5) A bell, whistle, or horn shall be provided as a fire alarm and shall not be used for any other purpose.~~

#### ~~PART 4. TRANSPORTATION: FIELD TRIPS~~

R 400.1841 ~~Transportation.~~ Rescinded.

~~Rule 41. (1) A vehicle used to transport children in care shall be maintained in a good, safe working condition.~~

- ~~(2) Each child passenger restraint device and each safety belt shall be installed, anchored, and used according to the manufacturer's specifications and shall be maintained in a safe working condition.~~
- ~~(3) The transportation of all children shall be conducted in accordance with existing state law. All other persons, including children over the age of 4, shall be properly restrained by safety belts.~~

R 400.1842 ~~Field trips, parent permission and notification required.~~ Rescinded.

~~Rule 42. At the time of a child's initial attendance or before each field trip, a caregiver shall obtain, and keep on file, written permission from a child's parent for the child's participation in field trips.~~

## ~~PART 5. TRAINING~~

R 400.1851 ~~Training~~. Rescinded.

~~Rule 51. With respect to day care homes, a caregiver shall comply with all of the following provisions:~~

- ~~(a) A family day care home caregiver shall have completed, or shall complete within 3 years of being registered or from the effective date of these rules, first aid training and infant and child cardiopulmonary resuscitation.~~
- ~~(b) A group day care home caregiver shall have completed, or shall complete within 2 years of being licensed or from the effective date of these rules, 20 clock hours of training related to caring for children. The 20 clock hours of training shall include first aid training, infant and child cardiopulmonary resuscitation, and not less than 8 hours in the area of child development. Training hours may include participation in any of the following:~~
  - ~~(i) Sessions offered by community groups, churches, and day care home associations.~~
  - ~~(ii) Conferences on early childhood or child development.~~
  - ~~(iii) Workshops and courses offered by local or intermediate school districts, colleges, and universities.~~
- ~~(c) Keep on file verification of his or her participation in the required training.~~

R 400.1901 Definitions.

Rule 1. (1) As used in these rules:

"Act" means 1973 PA 116, MCL 722.111.

"Approved" means having been reviewed and accepted by a designated inspecting authority or an agency that has jurisdiction.

"Assistant caregiver" means a person or family member who is under the supervision of the caregiver and who provides direct care, supervision, and protection to children in care.

"Caregiver" means the family child care home registrant or group child care home licensee who provides direct care, supervision, and protection of children in care.

"Child care home family" means all persons, including minors, living, on an ongoing or intermittent basis, in the family or group child care home.

"Child passenger restraint device" means a device that is used to restrain a child weighing 50 pounds or less that meets the requirements of federal motor vehicle safety standard no. 213, child seating systems, 49 C.F.R. 571, which is hereby adopted by reference.

"Child-use space" means the rooms and floor levels of the home approved by the department for child care.

"Combustible" means materials that will ignite and burn when subjected to a fire or excessive heat.

"Department" means the family independence agency that is the organizational unit of Michigan government responsible for the enforcement of these rules.

"Field trip" means children and caregiver/assistant caregiver leaving the child care family or group home premises for an excursion, trip, or program activity.

"Fire alarm" means a device that is used to alert all persons in the home of fire conditions. The device shall be heard in all parts of the home that are used by children.

"Foster child" means a person who resides in a foster home, who was placed in the foster home by a placing agent, who is not living with a parent or legal guardian, who is less than 18 years of age or becomes 18 years of age while residing in the foster home and continues to reside in the foster home as a dependent adult, and who is not related to an adult member of the foster family by blood, adoption, or marriage.

"Heat detector" means a single or multiple station alarm responsive to heat.

"Licensee" means an adult who lives in the licensed home and has been issued a license to operate a group child care home for up to 12 unrelated children.

"Means of egress" means the exit route from any point in the home to the outside at ground level.

"Minor" means a person less than 18 years of age.

"Nonprescription medication" means any over-the-counter medication that may be orally ingested or applied to the skin, including, but not limited, to aspirin, acetaminophen, cold and flu medicines, mosquito repellants, antiseptics, ointments, powders, and diaper rash products.

"Parent" means a child's natural or adoptive parent who is legally responsible for the child or means the child's legal guardian.

"Premises" means the location of the day care home wherein the registrant/licensee and family reside and includes the attached yard, garage, basement, and any other outbuildings.

"Registrant" means an adult who lives in the registered home and has been issued a certificate of registration to operate a family child care home for up to 6 unrelated children.

"Related" means a parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, aunt, great aunt, great uncle, or step-grandparent related to the registrant or licensee by marriage, blood, or adoption. Cousins include those related to the registrant or licensee by marriage, blood, or adoption within the second degree of consanguinity (up to and including second cousins).

"Safety belt" means an automobile lap belt or lap-shoulder belt combination designed to restrain and protect a passenger or driver of a vehicle from injury.

"Transportation" means the taking of children by means of a vehicle to or from a family or group child care home and to and from all other activities planned by or through the family or group child care home.

"Vehicle" means an automobile, truck, or van that transports persons upon a highway.

R 400.1902 Registrant/licensee and child care home family.

Rule 2. (1) An applicant shall meet all of the following provisions:

- (a) Be 18 years of age or older.
  - (b) Have a high school diploma, general educational development (GED) certificate, or equivalent. This subdivision applies only to applicants registered/licensed after the effective date of these rules.
  - (c) Reside in the child care home.
  - (d) Have proof of valid infant/child/adult cardiopulmonary resuscitation (CPR) and first aid training.
  - (e) Attend an orientation provided by the department.
- (2) An applicant or the registrant/licensee shall be of responsible character and shall be suitable and able to meet the needs of children and provide for their care, supervision, and protection, and do both of the following:
- (a) Be emotionally, mentally, and physically fit to care for children.
  - (b) Provide adequate auditory and visual supervision of children.
- (3) All persons, including minors, residing in the child care home shall be of good moral character and be suitable to assure the welfare of children.

R 400.1903 Registrant/licensee responsibilities.

Rule 3. (1) A registrant/licensee shall be responsible for all of the following provisions:

- (a) Be present in the home on a daily basis and provide direct care and supervision to each child for the majority of time the child is in care, except for any of the following circumstances:
  - (i) Recognized early childhood training and education, not to exceed 1 class that meets during the hours the day care home operates, or attendance at an early childhood professional development seminar or conference.

- (ii) Vacation or personal leave, during days of operation, shall not exceed 20 days within a calendar year.
- (iii) Medical treatment and subsequent recovery.
- (b) The exceptions in subrule (1)(a) of this rule do not include other part-time or full-time employment that occurs during the hours of operation of the day care home.
- (c) Provide an adult assistant caregiver who meets the qualifications of the registrant/licensee and acts in that capacity when the registrant/licensee is unable or unavailable to provide direct care.
- (d) Shall inform parents/legal guardians when an assistant caregiver is providing care in the absence of the registrant/licensee.
- (e) Maintain a record of the dates of registrant/licensee absences and the full names, addresses and telephone numbers of the assistant caregivers. These records shall be maintained for a minimum of 4 years after the last date of the person's involvement with the day care home.
- (f) Have a written and signed agreement with a responsible person who is 18 years of age or older to provide care and supervision for children during an emergency situation.
- (g) Post the current license or certificate of registration in a conspicuous place.
- (h) Report to the department, within 7 working days, any changes in the household composition or when any new or existing member of the household has any of the following:
  - (i) Arrests or convictions.
  - (ii) Involvement in substantiated abuse or neglect of children.
  - (iii) Court-supervised parole or probation of the registrant/licensee or any member of the household.
  - (iv) Been admitted to, or released from, a correctional facility, a facility, hospital, or an institution for the treatment of an emotional, mental, or substance abuse problem.
    - (i) Provide the department with a written statement verifying a person's personal fitness to care for, or to be associated with, children for any person who lives in a home or who cares for children and who has been treated on an inpatient or outpatient basis for an emotional, mental, or substance abuse problem during the last 2 years. Such statement shall be obtained from the medical or mental health professional who is directly involved in the treatment plan or the administrative director of the mental hospital or mental institution.
    - (j) Shall report to children's protective services within 24 hours any suspected child abuse or neglect.
- (2) The registrant/licensee shall assure that a child is released only to persons authorized by the parent/legal guardian.
- (3) The registrant/licensee shall permit parents or legal guardians of enrolled children to visit anytime during hours of operation.
- (4) The registrant/licensee shall cooperate with the department in connection with an inspection or investigation. Cooperation shall include, but not be limited to, both of the following:
  - (a) Provide access to the assistant caregivers, all records, and materials, to enable the department to conduct a thorough investigation.
  - (b) Information provided to the department shall be accurate and truthful.
- (5) The registrant/licensee shall assure that all assistant caregivers shall be of good moral character and be suitable to assure the welfare of children.
- (6) The registrant/licensee shall have present at all times a caregiver/assistant caregiver who is at least 18 years of age or older.
- (7) The registrant/licensee shall have present at all times at least 1 person who can accurately comprehend all of the following information:
  - (a) In child care home rules, 1973 PA 116, MCL 722.111, and any additional licensing division communications.
  - (b) On child information cards.
  - (c) In written directions about the child's care.



- (d) On food, cleaning, and chemical labels that can impact a child's well-being.
- (e) On written medication directions for any given child.
- (f) Needed to effectively implement emergency procedures.
- (8) The registrant/licensee shall authorize the department to conduct a criminal history and protective service background check to assess the good moral character and suitability of the child care home family.
- (9) The registrant/licensee shall assure that smoking does not occur in the day care home and on the premises while children are in care.
- (10) The registrant/licensee shall notify parents if smoking occurs in the home and on the premises when children are not in care.

R 400.1904 Assistant caregivers.

Rule 4. (1) An assistant caregiver shall meet all of the following requirements:

- (a) Be 14 years of age or older.
- (b) An assistant caregiver under 18 years of age shall always work under the supervision of the registrant/licensee or adult assistant caregiver at the site where care is being provided.
- (c) Have proof of valid infant/child/adult CPR and first aid training.
- (d) Be of responsible character, suitable, and able to meet the needs of children and provide for their care, supervision, and protection. "Able to meet the needs of children" includes, but is not limited to, the following:
  - (i) Being emotionally, mentally, and physically fit to meet the developmental and safety needs of children.
  - (ii) Providing adequate auditory and visual supervision of children.
- (2) An assistant caregiver, 18 years of age or older, may substitute for the registrant/licensee in accordance with R 400.1903(1)(c).

R 400.1905 Training.

Rule 5. (1) The registrant/licensee shall complete not less than 10 clock hours of training each year related to child development, program planning, and administrative management for a child care business, not including CPR and first aid training.

- (2) Each assistant caregiver shall complete not less than 5 clock hours of training each year related to child development and caring for children, not including CPR and first aid training.
- (3) The registrant/licensee shall assure that assistant caregivers for children under 36 months of age have training that includes information regarding sudden infant death syndrome and shaken baby syndrome.
- (4) Training hours may include participation in any of the following:
  - (a) Sessions offered by community groups, faith-based organizations, and child care home associations.
  - (b) Trainings, workshops, seminars, and conferences on early childhood, child development or child care administration, and practices offered by early childhood organizations.
  - (c) Workshops and courses offered by local or intermediate school districts, colleges, and universities.
- (5) Verification of participation in the required training, signed by the trainer or an authorized individual, shall be kept on file.
- (6) CPR and first aid training shall be maintained in the following manner:
  - (a) Each year for CPR.
  - (b) Every 36 months for first aid.

R 400.1906 Records of caregiver/assistant caregiver and child care home family; record maintenance.

Rule 6. (1) The registrant/licensee shall maintain a file for each caregiver and assistant caregiver including all of the following:

- (a) The name, address, and telephone number.

- (b) A statement signed by a licensed physician or his or her designee and which attests to the individual's health. The statement shall be signed within 1 year before the issuance of the certificate of registration or initial license and at the time of subsequent renewals.
- (c) Written evidence of freedom from communicable tuberculosis (TB) that is verified within 1 year before the issuance of the certificate of registration or initial license.
- (d) Training records, as defined in R 400.1905(5).
- (e) A statement signed by the assistant caregiver that he or she does not have a criminal history.
- (f) Documentation from the family independence agency that the assistant caregiver has not been involved in substantiated child abuse or neglect.
- (g) A written statement signed and dated by the assistant caregiver at the time of hiring indicating all of the following information:
  - (i) The individual is aware that abuse and neglect of children is unlawful.
  - (ii) The individual knows that he or she is mandated by law to report child abuse and neglect.
  - (iii) The individual has received a copy of the discipline policy.
- (2) Child care home family members 14 years of age or older shall have written evidence of freedom from communicable TB.
- (3) If immunizations, as recommended by the department of community health, have not been given or completed for all minors who live in the home, then the registrant/licensee shall inform the parent/legal guardian of each child in care and all assistant caregivers.
- (4) The records in this rule shall be retained for a minimum of 4 years.

R 400.1907 Children's records.

Rule 7. (1) At the time of initial attendance, the registrant/licensee shall obtain the following documents:

- (a) A completed child information card on a form provided by the department or a comparable substitute approved by the department.
- (b) A child in care statement/receipt using a form provided by the department and signed by the parent/legal guardian certifying the following:
  - (i) Receipt of a written discipline policy.
  - (ii) Condition of the child's health.
  - (iii) Receipt of a copy of the family and group child care home rules.
  - (iv) Agreement as to who will provide food for the child.
  - (v) Acknowledgement that the assistant caregiver is 14 to 17 years of age, if applicable.
  - (vi) Acknowledgement that firearms are on the premises, if applicable.
- (c) Documentation that immunizations and boosters, as recommended by the department of community health, are any of the following:
  - (i) Have been completed.
  - (ii) Are in progress.
  - (iii) The parent/legal guardian has signed a waiver stating immunizations are not being administered due to religious, medical, or other reasons and has sent the waiver to the department of community health.
- (d) If a parent/legal guardian objects to a physical examination or medical treatment on religious grounds, then the parent/legal guardian shall provide a signed statement that the child is in good health and that the parent/legal guardian assumes responsibility for the child's state of health while in care.
- (2) Records in subrule (1) of this rule shall be reviewed and updated annually or when information changes.
- (3) Daily attendance records of children in care shall be maintained and shall include the child's name and the time of arrival and departure.

(4) Children's records required by the department shall be accessible and stored in a location known to all assistant caregivers.

(5) The records in this rule shall be retained for a minimum of 4 years.

R 400.1908 Capacity.

Rule 8. (1) The family child care registrant shall assure that the actual number of unrelated children in care at any 1 time does not exceed the number of children for which the home is registered, not to exceed a total of 6.

(2) The group child care licensee shall assure that the actual number of unrelated children in care at any 1 time does not exceed the number of children for which the home is licensed, not to exceed a total of 12.

(3) This rule is not subject to the variance specified in R 400.1963.

R 400.1909 Concurrent licensing.

Rule 9. (1) The registrant/licensee who is concurrently licensed as a children's foster home provider shall so inform the parents/legal guardians of the children in care.

(2) The registrant/licensee who provides care for both child care and foster care children shall not care for more than 8 children, including all of the following:

(a) Children who are under 17 years of age and who are related to the registrant/licensee by blood, marriage, adoption, or legal guardianship.

(b) The capacity of foster children identified on the foster care license.

(c) All other children who are cared for on a part-time or full-time basis.

(3) The registrant/licensee shall notify the department when applying for a foster care license.

R 400.1910 Ratio of caregivers/assistant caregivers to children.

Rule 10. (1) The ratio of caregivers/assistant caregivers to children present in the home at any 1 time shall be not less than 1 caregiver/assistant caregiver to 6 children. The ratio shall include all unrelated children in care and any of the following children who are less than 7 years of age:

(a) Children of the registrant/licensee.

(b) Children of the assistant caregiver.

(c) Children related to any member of the child care home family by blood, marriage, or adoption.

(2) For each caregiver/assistant caregiver, not more than 4 children shall be under the age of 30 months, with not more than 2 of the 4 children under the age of 18 months.

R 400.1911 Supervision.

Rule 11. (1) The registrant/licensee shall assure appropriate care and supervision of children at all times.

(2) A caregiver shall be present in the home at all times when children are in care.

(3) A caregiver shall be up and awake at all times when children are in care except as provided in R 400.1922(2) of these rules.

(4) A caregiver shall always be on the same floor level as the children.

(a) If a caregiver determines that a child is capable of using a bathroom without assistance, then a child may go to an adjoining floor to use bathroom facilities.

(5) A caregiver shall know the location of each child at all times and be able to see or hear the children without interference except as provided in subrule (4) of this rule.

(6) A caregiver shall never leave a child unattended or with a minor in a vehicle.

(7) A caregiver shall at all times directly supervise children who are engaged in water activities or are near collections or bodies of water.

R 400.1912 Infant supervision and sleeping.

Rule 12. (1) Infants shall be placed on their backs for resting and sleeping in accordance with the recommendations of the American Academy of Pediatrics.

(2) Infants unable to roll from their stomachs to their backs, and from their backs to their stomachs, when found facedown, shall be placed on their backs.

(3) If infants can easily turn over from their backs to their stomachs, then they shall be initially placed on their backs, but allowed to adopt whatever position they prefer for sleeping.

(4) For an infant who cannot rest or sleep on her/his back due to disability or illness, the caregiver shall have written instructions, signed by a physician, detailing an alternative safe sleep position and/or other special sleeping arrangements for the infant. The caregiver/assistant caregiver shall rest/sleep children in accordance with a physician's written instructions.

(5) A caregiver/assistant caregiver shall maintain supervision and frequently monitor infants' breathing, sleep position, bedding, and possible signs of distress except as provided in R 400.1922.

(6) Video surveillance equipment and baby monitors shall not be used in place of subrule (5) of this rule.

R 400.1913 Discipline and child handling.

Rule 13. (1) The registrant/licensee shall develop and have on file a written policy regarding the discipline of children.

(2) Developmentally appropriate positive methods of discipline which encourage self-control, self-direction, self-esteem, and cooperation shall be used.

(3) The registrant/licensee shall not do any of the following:

(a) Hit, spank, shake, bite, pinch, or inflict other forms of corporal punishment.

(b) Restrict a child's movement by binding or tying him or her.

(c) Inflict mental or emotional stress, such as humiliating, shaming, threatening a child, or using derogatory remarks.

(d) Deprive a child of meals, snacks, rest, or necessary toilet use.

(e) Confine a child in an enclosed area such as a closet, locked room, box, or similar cubicle.

(4) Non-severe and developmentally appropriate discipline or restraint may be used when reasonably necessary to prevent a child from harming himself or herself, or to prevent a child from harming other persons or property, or to allow a child to gain control of himself or herself excluding those forms of punishment prohibited by subrule (3) of this rule.

(5) This rule is not subject to the variance specified in R 400.1963.

R 400.1914 Daily activity program.

Rule 14. (1) A caregiver and assistant caregiver shall engage in frequent positive interactions with children.

(a) For infants and toddlers, interactions may include, but not be limited to, the following:

(i) Providing frequent nurturing contact, such as talking to, smiling, holding, rocking, cuddling, and giving eye contact throughout the day and during daily routines such as feeding and diapering.

(ii) Promptly responding to a child's cries and other signs of distress.

(2) The registrant/licensee shall plan daily activities so that each child may do the following:

(a) Have opportunities to feel successful and feel good about himself or herself and develop independence.

(b) Develop and use language.

(c) Develop and use large and small muscles.

(d) Use materials and take part in activities which encourage creativity.

- (e) Learn new ideas and skills.
- (f) Participate in imaginative play.
- (g) Rest or sleep, or both.
- (3) All of the following developmentally appropriate opportunities shall be provided daily:
  - (a) A balance of active and quiet play, group, and individual activities.
  - (b) Indoor and outdoor play, except during inclement or extreme weather, or unless otherwise ordered by a health care provider.
  - (c) Early language and literacy experiences throughout the day accumulating for not less than 30 minutes.
  - (d) Early math and science experiences.
- (4) Television, video tapes, and movies shall be limited to not more than 2 hours per day and to programs designed for children's education and/or enjoyment. Other activities shall be available to children during television/movie viewing.
- (5) Programs/movies with violent or adult content, including soap operas, shall not be permitted while children are in care.
- (6) The use of electronic devices and computers by children in care shall be suitable to the age of the child in terms of content and length of use.
- (7) The registrant/licensee shall, for children with special needs, work with the parents/legal guardians, medical personnel, and/or other relevant professionals to provide care in accordance with the child's identified needs and learning supports.

R 400.1915 Indoor space; play equipment and materials.

Rule 15. (1) A child care home shall provide not less than 35 square feet per child of safe, usable, accessible indoor floor space, not including bathrooms and storage areas.

(2) Only space that has received prior approval for child use by the department may be used for child care.

(3) A variety and number of easily accessible activity choices shall be available to the child, shall be safe and appropriate for a child at his or her stage of development, and shall be based on the licensed/registered number of children. All of the following apply to activity choices available:

- (a) Materials may include, books, art supplies, blocks and accessories, large muscle equipment, manipulative toys, musical equipment, and dramatic play materials.
- (b) All materials and equipment shall be kept clean and free of hazards.
- (c) Toys and other play equipment soiled by secretion or excretion shall be cleaned with soap and water, rinsed and sanitized before being used by a child.
- (4) The caregiver shall not use any equipment, materials, and furnishings recalled or identified by the U.S. Consumer Product Safety Commission (<http://www.cpsc.gov/>) as being hazardous.
- (5) All children shall be protected from materials that could be swallowed and/or present a choking hazard. Toys or objects with removable parts less than 1¼ inches in diameter and less than 2¼ inches in length, as well as balls smaller than 1¾ inches in diameter are prohibited for children under 3 years of age.
- (6) Trampolines shall not be used indoors by children in care.

R 400.1916 Bedding and sleeping equipment.

Rule 16. (1) All bedding and equipment shall be in accordance with U.S. Consumer Product Safety Commission (<http://www.cpsc.gov/>) standards as approved for the age of the child using the equipment and shall be clean, comfortable, safe, and in good repair.

(2) All bedding and sleeping equipment shall be cleaned and sanitized before being used by another person.

- (3) All bedding used by children shall be washed when soiled or weekly at a minimum.
- (4) All cribs or porta-cribs shall be equipped with a firm, tight-fitting mattress with a waterproof, washable covering, as recommended and approved by the U.S. Consumer Product Safety Commission.
- (5) Infants, birth to 12 months of age, shall rest or sleep alone in an approved crib or porta-crib. A crib shall have all of the following:
  - (a) A firm, tight-fitting mattress.
  - (b) No loose, missing, or broken hardware or slats.
  - (c) Not more than 2 3/8" between the slats.
  - (d) No corner posts over 1/16" high.
  - (e) No cutout designs in the headboard or footboard.
- (5) A tightly fitted bottom sheet shall cover a firm mattress with no additional padding placed between the sheet and mattress.
- (6) The infant's head shall remain uncovered during sleep.
- (7) Soft objects, bumper pads, stuffed toys, blankets, and other objects that could smother a child shall not be placed with or under a resting or sleeping infant.
- (8) Blankets shall not be draped over cribs or porta-cribs.
- (9) Children 12 to 24 months of age shall rest or sleep alone in an approved crib, porta-crib, or on a cot or mat sufficient for the child's length, size, and movement.
- (10) Infant car seats, infant seats, infant swings, bassinets, highchairs, waterbeds, adult beds, soft mattresses, sofas, beanbags, or other soft surfaces are not approved sleeping equipment for children 24 months of age or younger.
- (11) Children 24 months or younger who fall asleep in a space that is not approved for sleeping shall be moved to approved sleeping equipment appropriate for their size and age.
- (12) Children over 24 months of age shall have an individual, age appropriate, clean, comfortable and safe place to sleep or rest. The floor shall be used only when padded, warm, and free from drafts and when there is a mat, sleeping bag, blanket, or similar piece of bedding between the floor and the child.
- (13) If nighttime care is provided, then children shall sleep in age appropriate cribs and beds.

R 400.1917 Telephone.

Rule 17. A working land-line telephone, not including a cordless or cell phone, shall be accessible and available during child care hours. Cordless or cell phones may be used in addition to the telephone.

R 400.1918 Medication; administrative procedures.

Rule 18. (1) If medication, prescription and nonprescription, is to be administered to a child in care, the following procedures shall be followed:

- (a) Medication shall be given to a child by the registrant/licensee or an adult assistant caregiver.
- (b) Prescription and nonprescription medication shall be given or applied only with prior written permission from a parent/legal guardian.
- (c) Medication shall be in the original container, stored according to instructions, and clearly labeled for a named child.
- (d) Medication shall be kept out of the reach of children and shall be returned to the child's parent/legal guardian when the parent/legal guardian determines it is no longer needed or when it has expired.
- (e) Prescription medication may be given to a child only with the written order of a physician, which may include the label on the medication, indicating that the medicine is for the specific child and the dosage, number of times per day, and number of days the medication is to be administered.
- (f) A caregiver shall not give or apply any medication contrary to the directions on the original container unless authorized by a written order of the child's physician.

(g) If topical nonprescription medication is used, including, but not limited, to sunscreen, insect repellent, and diaper rash ointment, then written parent/legal guardian authorization shall be given at least annually.

(h) A caregiver shall maintain a record as to the date, time, and the amount of all medication given or applied on a form provided by the department or a comparable substitute approved by the department.

(2) The records required in this rule shall be retained for a minimum of 4 years.

R 400.1919 Communicable disease.

Rule 19. A person who lives in a home or cares for children who has a suspected or a confirmed case of a communicable disease shall not come into contact with children in care.

R 400.1920 Outdoor play area and equipment.

Rule 20. (1) A day care home shall provide a clean, safe, and hazard free outdoor play area, on the premises or within a reasonable walking distance of the home.

(2) The play area size shall be the following:

(a) Not less than 400 square feet for a family child care home.

(b) Not less than 600 square feet for a group child care home.

(3) A child care home shall provide an adequate and varied supply of outdoor play equipment, materials, and furniture, that is all of the following:

(a) Appropriate to the developmental needs and interests of children.

(b) Appropriate to the number of children.

(c) Safe and in good repair.

(4) The outdoor play area and equipment shall be organized in the following manner:

(a) To separate active and quiet activities.

(b) For a clear and unobstructed view of the whole play area.

(c) To assure that there are safe distances between equipment.

(5) Swings, climbers and other elevated play equipment shall be all of the following:

(a) Placed over sand or other loose-filled, impact-absorbing material in depths according to the height of the piece of equipment as outlined by the U.S. Consumer Product Safety Commission's current Handbook for Public Playground Safety, which is adopted by reference in these rules. A copy may be obtained at no charge on the internet at <http://www.cpsc.gov/>.

(b) Have the loose-filled, impact-absorbing material as required in subrule (5)(a) of these rules that extends a minimum of 6 feet in all directions from the perimeter of the equipment.

(c) Not be placed over concrete, asphalt, or a similar surface, such as hard-packed dirt or grass.

(d) Be securely anchored, with anchors protected from exposure.

(e) Be safe, in good repair, and age-appropriate.

(f) Be placed at least 6 feet from the perimeter of other play structures or obstacles.

(6) Trampolines shall not be used outdoors by children in care.

(7) Children in care shall not be permitted to ride all terrain vehicles, motor bikes, go-carts, and similar recreational motor vehicles.

(8) Outdoor play areas approved prior to the effective date of these rules shall have 1 year to comply with subrule (5) of this rule.

R 400.1921 Water hazards and water activities.

Rule 21. (1) The registrant/licensee shall ensure that barriers exist to prevent children from gaining access to any swimming pool, drainage ditch, well, natural or constructed pond or other body of open water located on or adjacent to the property where the child care home is located. Such barriers shall be

of a minimum of 4 feet in height and appropriately secured to prevent children from gaining access to such areas.

(2) Spa pools, hot tubs, and fill-and-drain wading pools shall not be used when children are in care.

(3) Hot tubs and spas, whether indoors or outdoors, shall be inaccessible to children in care and have a locked hard cover.

(4) Before use of a residential pool or any other body of water by children in care, a registrant/licensee shall assure that the water is clean, safe, and sanitary, and the children will be appropriately and adequately supervised.

(5) Public swimming areas may be used only if a lifeguard is present.

(6) If there are 2 groups of children, 1 group in the water and 1 group out of the water, then the adult/child ratios, as required in R 400.1910, shall be maintained for each group, with the exception that the in-the-water adult/child ratio for children under 3 years of age shall be 1-to-1 at all times.

(7) Rescue equipment shall be readily accessible at all times.

(8) A working telephone shall be immediately accessible in the water activity area.

(9) Before each outdoor water activity at a pool, lake, or other body of water, a caregiver shall obtain, and keep on file, written permission from a child's parent/legal guardian for the child's participation in the activity.

(10) If a pool or other body of water is used by children in care, the emergency plan in R 400.1945 shall include procedures for water emergencies.

#### R 400.1922 Nighttime care.

Rule 22. (1) In a home where children are in care between the hours of midnight and 6 a.m., not more than 2 adjoining floor levels shall be used at any 1 time to sleep children.

(2) If the registrant/licensee, assistant caregiver, and children in care are sleeping, then at least 1 caregiver/assistant caregiver shall be on the same floor level as the sleeping children.

(3) Homes shall not use a third or higher floor as a resting or sleeping area for children in care unless there are 2 stairways to ground level.

#### R 400.1923 Diapering and toilet learning.

Rule 23. (1) Diapering of infants and toddlers shall only occur in a designated changing area.

(2) The designated changing area shall comply with all of the following:

(a) Be used exclusively for changing wet or soiled diapers or underwear.

(b) Be located away from food preparation and meal service areas.

(c) Be located within close proximity to a hand washing sink that is not used for food preparation.

(d) Have a nonabsorbent, easily sanitized surface with a changing pad between the child and the surface.

(e) Be cleaned and sanitized after each use.

(f) Have diapering/changing supplies within easy reach.

(g) Have a plastic-lined, tightly covered container exclusively for disposable diapers and diapering supplies that shall be emptied and sanitized at the end of each day.

(3) Diapers or training pants shall be checked frequently and changed when wet or soiled.

(4) Only single use disposable wipes or other single use cleaning cloths shall be used to clean a child during the diapering or toileting process.

(5) If cloth diapers/training pants are provided by the parent/legal guardian, then soiled diapers/training pants shall be placed in an individual, securely tied plastic bag and returned to the parent at the end of the day.

(6) Toilet learning shall be planned cooperatively between the parent/legal guardian and the registrant/licensee so that the toilet routine established is consistent.



(7) If toilet learning equipment, such as potty chairs and modified toilet seats, are used, the following shall apply:

(a) They shall be able to be easily cleaned and sanitized.

(b) Potty chairs shall be emptied, rinsed, and sanitized after each use.

(8) Disposable gloves used for diapering shall only be used once for a specific child and be removed and disposed of in a safe and sanitary manner immediately after each diaper change.

R 400.1924 Hand washing.

Rule 24. (1) All caregivers/assistant caregivers shall wash their hands appropriately and in the following manner:

(a) Before and after all of the following:

(i) Preparing and serving food, eating, and feeding.

(ii) Giving medication.

(b) After all of the following:

(i) Diapering.

(ii) Using the toilet or helping a child use the toilet.

(iii) Handling bodily fluids, such as mucus, blood, vomit, from sneezing, wiping, and blowing noses, from mouths, or from sores.

(iv) Handling animals and pets.

(v) Cleaning or handling garbage.

(2) Caregivers/assistant caregivers shall assure that children wash their hands at the following times:

(a) Before and after meals, snacks, or food preparation experiences.

(b) After toileting or diapering.

(c) After contact with any bodily fluids.

(d) After playing in sand or water.

(e) After handling animals and pets.

(f) When soiled.

(3) Hand sanitizers and wipes are not acceptable substitutes for washing hands.

R 400.1931 Food preparation and service.

Rule 31. (1) Each child shall be provided with nutritional and sufficient food as required by the child and adult food program guidelines, as adopted by reference in these rules, unless parents/legal guardians provide the food.

(2) Children shall be offered food at intervals as individually appropriate, but not to exceed more than 4 hours unless the child is asleep.

(3) Drinking water shall be available at all times.

(4) Food shall be prepared, served, and stored in a safe and sanitary manner.

(a) Food served to children individually or family style shall be discarded at the end of the meal if not eaten.

(b) Prepared food that has not been served to individuals or placed in family-style containers shall be promptly covered after preparation, refrigerated, and used within 24 hours.

(c) Infants and toddlers shall not be served or allowed to eat foods that may easily cause choking including, but not limited to, popcorn and uncut round foods such as whole grapes, seeds, nuts and hard candy.

(5) If a parent/legal guardian has agreed to provide the food, then the registrant/licensee shall have a written agreement from the parent/legal guardian and shall be responsible for providing adequate food if the parent/legal guardian does not.

- (6) Food brought by parents/legal guardians shall be labeled with the child's name and, if perishable, shall be refrigerated.
- (7) If home canned or home frozen foods are served, then parents/legal guardians shall be informed.
- (8) Unpasteurized products shall not be used.
- (9) Children shall be encouraged to taste new foods, but shall not be required to eat anything they do not want.
- (10) Bottles used for feeding shall be labeled with the child's name and date and refrigerated.
- (11) The contents of a bottle that has been used for feeding for a period that exceeds 1 hour from the beginning of the feeding, or has been unrefrigerated for 1 hour or more shall be discarded.
- (12) Children shall not have bottles of milk or juice while they are in bed or while they are walking around or playing.
- (13) All eating and cooking utensils must be washed, rinsed, sanitized, and air-dried or washed in a dishwasher with chlorinated soap.

R 400.1932 Home maintenance and safety.

Rule 32. (1) The structure, premises, and furnishings of a child care home shall be in good repair and maintained in a clean, safe, and comfortable condition.

- (2) All dangerous and hazardous materials or items shall be stored securely and out of the reach of children.
- (3) All steps, stairs, porches, and elevated structures to which children in care have access shall be protected to prevent falls and shall be free of ice and snow accumulation.
- (4) Three or more steps, or a total rise of 24 inches or more, shall require a handrail.
- (5) Parents/legal guardians shall be notified before pesticide or fertilizer treatments.
- (6) There shall be no flaking or deteriorating paint on interior and exterior surfaces, equipment, and toys accessible to children.
- (7) Open-flame devices or candles shall not be used, except for religious celebrations.

R 400.1933 Water supply; sewage disposal; water temperature.

Rule 33. (1) The water supply shall be from an approved source.

- (2) All sewage shall be disposed of through a public system or, in the absence thereof, in a manner approved by the environmental health authority.
- (3) A child care home shall have a minimum of 1 flush toilet and 1 handwashing sink with hot and cold running water.
- (4) Hot water temperature shall not exceed 120 degrees Fahrenheit at water faucets accessible to children.
- (5) A mixing valve is required when separate hot and cold water faucets are accessible to children.

R 400.1934 Heating; ventilation; lighting.

Rule 34. (1) Each room that is used by children in care shall have adequate ventilation and be maintained at a safe and comfortable temperature so that children do not become overheated, chilled, or cold.

- (a) The temperature shall be not less than 65 degrees Fahrenheit at a point 2 feet above the floor.
- (b) Measures shall be taken to cool the children when the temperature exceeds 82 degrees Fahrenheit.
- (2) Windows and doors that are used for ventilation shall be screened and in good repair.
- (3) A carbon monoxide detector, bearing a safety certification mark of a recognized testing laboratory such as UL (Underwriters Laboratories) or ETL (Electrotechnical Laboratory), shall be placed on all levels approved for child care.

- (4) A basement shall be tested for radon gases before the basement is approved for child use. Documentation of the results shall be kept on file in the home.
- (5) All child use areas shall have adequate natural and/or artificial lighting.

R 400.1935 Firearms.

- Rule 35. (1) All firearms shall be unloaded and properly stored in a secure, safe, locked environment inaccessible to children. A secure locked environment shall include a commercially available locked firearms cabinet, gun safe, trigger lock that prevents discharge, or other locking firearm device.
- (2) Ammunition shall be stored in a separate locked location inaccessible to children.
  - (3) Firearms shall not be traded or sold on the premises.

R 400.1936 Animals and pets.

- Rule 36. (1) Parents/legal guardians shall be notified of the animals and pets in the home before the enrollment of the child.
- (2) Animals and pets that are potentially aggressive or in poor health shall be separated from children in care at all times.
  - (3) Children having contact with animals and pets shall be supervised by a caregiver/assistant caregiver who is close enough to remove a child immediately if the animal shows signs of distress or the child shows signs of treating the animal inappropriately.
  - (4) All animals and pets, other than dogs or cats, are prohibited in child-use space unless they are kept in a container or glass tank where a child cannot touch the animals or reach inside the container or glass tank.
  - (5) Animals and pets shall not be allowed in food preparation and eating areas during meal or snack time.
  - (6) Litter boxes, pet food and dishes, and pet toys shall be inaccessible to children.

R 400.1941 Heat-producing equipment.

- Rule 41. (1) All flame-producing and heat-producing equipment, including, but not limited to the following shall be maintained in a safe condition and shielded to protect against burns:
- (a) A furnace.
  - (b) A water heater.
  - (c) A fireplace.
  - (d) A radiator and pipes.
  - (e) Wood burning equipment.
- (2) Combustible materials and equipment shall not be stored within 4 feet of furnaces, other flame or heat-producing equipment, or fuel-fired water heaters.
  - (3) Portable heating devices shall not be used when children are in care.
  - (4) Furnaces, other flame or heat-producing equipment used to heat the home, and fuel-fired water heaters shall be inspected by any of the following entities:
    - (a) A licensed mechanical contractor.
    - (b) The department of labor and economic growth, bureau of construction codes and fire safety.
    - (c) A local mechanical inspector.
  - (5) For group child care homes, the inspection specified in subrule (4) of this rule shall be conducted before the initial license issuance and every 2 years thereafter at the time of license renewal.
  - (6) For family child care homes, the inspection specified in subrule (4) of this rule shall be conducted before the issuance of the certificate of registration and every 3 years thereafter at the time of renewal.

R 400.1942 Electrical service; maintenance.

Rule 42. (1) The electrical service of a child care home shall be maintained in a safe condition. If warranted, an electrical inspection by an electrical inspecting authority may be required.

(2) All electrical outlets accessible to children shall have safety covers.

(3) Electrical cords shall be arranged so they are not hazards to children.

(4) All electrical outlets in approved child use space located within 6 feet of a sink or other water source shall have a ground-fault circuit-interrupter.

R 400.1943 Exit and escape requirements for each floor level used by children.

Rule 43. (1) All child care homes shall have at least 2 remotely located exits for every floor level occupied by children.

(2) At least 1 exit from each floor level shall provide a direct, safe means of unobstructed travel to the outside at street or ground level.

(3) A window may be used as a second exit if it complies with all of the following provisions:

(a) Is accessible to children and caregivers.

(b) Is clearly identified.

(c) Can be readily opened.

(d) Is of a size and design to allow for the evacuation of all children and caregivers/assistant caregivers.

(4) If a level of a home that is above the second floor is used for children in care, then the building shall be of 1-hour-fire-resistive construction and shall have 2 stairways to ground level. At least 1 of the required stairways and all other vertical openings shall be enclosed by, at a minimum, 1-hour-fire-resistive construction to provide a protected means of egress direct to the outside at ground level.

(5) All exits shall be unobstructed and accessible at all times.

(6) The means of egress shall be illuminated at all times that children are in care.

(7) No door in a means of egress shall be locked against egress when children are in care. All locking devices that impede or prohibit exiting or that cannot be easily disengaged shall be prohibited.

(8) Bathroom door hardware shall be designed to allow opening from the outside during an emergency if locked.

(9) All closet door latches shall be such that children can open the door from inside the closet.

(10) A room or space, including an attic, that is accessible only by a ladder or folding stairway or through a trapdoor shall not be used by children in care.

(11) Steps and platforms used to access a basement window exit shall be permanently secured to the wall or floor. Ladders shall not be used as a means for exiting. Those homes registered or licensed before the effective date of these rules shall have 1 year to comply.

(12) An emergency escape window to the outside is required for basements approved for child use after the effective date of these rules. The following provisions shall apply:

(a) The window shall be not less than 20 inches wide and 24 inches high.

(b) The bottom of the opening shall be less than 44 inches above the floor.

(c) If the sill height is below grade, then it shall open into a window well with at least 9 square feet of area, 3 feet in length and width. If the well depth is over 44 inches, then it shall have approved steps.

R 400.1944 Smoke detectors; fire extinguishers.

Rule 44. (1) Operable smoke detectors approved by a nationally recognized testing laboratory shall be installed and maintained on each floor of the home, including the basement, and in all sleeping areas and bedrooms used by children in care.

(2) Heat detectors may be utilized in kitchens.

(3) A home shall have at least 1 functioning multipurpose fire extinguisher, with a rating of 2A-10BC, 3A-15BC, or larger, properly mounted not higher than 5 feet from the floor to the top of the fire extinguisher, on each floor level that is used by children in care.

R 400.1945 Fire; tornado; serious accident and injury plans.

Rule 45. (1) A written plan for the care of children shall be established and posted for each of the following emergencies:

- (a) Fire evacuation.
- (b) Tornado watches and warnings.
- (c) Serious accident or injury.
- (d) Water emergencies, if applicable.
- (2) A registrant/licensee shall inform each assistant caregiver and emergency person of the overall evacuation plan and of his or her individual duties and responsibilities in the event of an emergency specified in subrule (1) of this rule.
- (3) Fire drills shall be practiced at least once a month and a written record that includes the date and time it takes to evacuate shall be maintained.
- (4) Tornado drills shall be practiced once a month, April to October, and a written record that includes the date shall be maintained.
- (5) Smoke detectors shall be used as the alarm for fire drills.
- (6) The records required in this rule shall be retained for a minimum of 4 years.

R 400.1951 Transportation.

Rule 51. (1) A vehicle used to transport children in care shall be maintained in a good, safe working condition.

- (2) Registrant/licensee shall assure that the driver of a vehicle transporting children shall be an adult, have a valid driver license, and proof of no fault insurance.
- (3) Registrant/licensee shall notify the parents/legal guardians when drivers other than caregiving staff are used to transport children.
- (4) Each child passenger restraint device and each safety belt shall be installed, anchored, and used according to the manufacturer's specifications and shall be maintained in a safe working condition.
- (5) The transportation of all children shall be conducted in accordance with existing state law.
- (6) All persons, including the driver, shall be properly restrained in the vehicle. Children shall be appropriately secured and restrained in the back seat of the vehicle if a shoulder and lap belt restraint is available, according to the following requirements:
  - (a) Infants less than 12 months of age and who weigh less than 20 pounds shall ride in rear-facing safety seats.
  - (b) Children over 12 months of age and who weigh 20 to 40 pounds shall ride in forward-facing safety seats.
  - (c) Children who are under 8 years of age or under 4 feet 9 inches shall ride in booster seats.
  - (d) Children over 8 years of age or over 4 feet 9 inches shall use lap and shoulder belts if they fit correctly.
- (7) Drivers shall be provided with a copy of the child information card, or comparable facsimile, for the children being transported in their vehicles.
- (8) The driver of each vehicle transporting children shall carry in the vehicle, and be familiar with, contents of a first aid kit. The first aid kit, excluding antiseptics and ointments, shall contain, at a minimum, all of the following:
  - (a) Adhesive tape.
  - (b) Bandages (assorted sizes).
  - (c) Cold pack.
  - (d) Disposable gloves
  - (e) Gauze pads and roller gauze (assorted sizes).

- (f) Hand sanitizer.
- (g) Plastic bags.
- (h) Scissors and tweezers.
- (i) Triangular bandage.

R 400.1952 Parent/legal guardian permission and notification required; child information cards when off-premises.

Rule 52 (1) The registrant/licensee shall obtain and keep on file written permission from a child's parent/legal guardian before each time children are transported in a vehicle for a field trip or for any other reason.

(2) If the registrant/licensee routinely transports children to and from school, then written parent/legal guardian permission shall be given at least annually.

(3) The registrant/licensee shall obtain written permission at the time of initial enrollment of a child to go on field trips not involving a vehicle that includes, but is not limited to, walking to a park or in the neighborhood.

(4) The registrant/licensee shall have a copy of each child's information card and a first aid kit accessible at all times when children leave the premises.

R 400.1961 Parent/legal guardian notification of incidents, accidents, illness, or disease required; isolation; sanitation.

Rule 61. (1) A caregiver/assistant caregiver shall promptly report to a parent/legal guardian any incidents, accidents, suspected illness, or other changes observed in the health of a child.

(2) A caregiver/assistant caregiver shall notify a parent/legal guardian of a child who is exposed to a communicable disease so that the child may be observed for symptoms of the disease.

(3) A caregiver/assistant caregiver shall isolate a child who is too ill to remain in the group in an area where the child can be supervised and made as comfortable as possible.

(4) Bedding, toys, utensils, toilets, and lavatories used by an ill individual shall be appropriately cleaned and sanitized before being used by another person.

R 400.1962 Department notification of injury, accident, illness, death, or fire.

Rule 62. (1) The registrant/licensee shall make a verbal report to the department within 24 hours of a serious injury, accident, illness, or medical condition of a child, occurring while a child is in care, which results in emergency medical treatment or hospitalization at a health facility, or which results in a death.

(2) The registrant/licensee shall submit a written report, to the department, in a format provided by the department within 72 hours of the incident.

(3) The registrant/licensee shall report to the department within 24 hours after the occurrence of a fire in the registered or licensed home which results in the loss of property or personal injury.

R 400.1963 Rule variance.

Rule 63. (1) Upon written request of an applicant or registrant/licensee, the department may grant a variance from an administrative rule if the alternative proposed provides clear and convincing evidence that the health, welfare, and safety of children is protected.

(2) The decision of the department shall be entered upon the records of the department and a signed copy shall be sent to the applicant or registrant/licensee. A variance may remain in effect for as long as the registrant/licensee continues to comply with the conditions of the variance or may be time-limited.

R 400.1971 Rescission.

Rule 71. Rule 400.1801 to R 400.1851 of the Michigan Administrative Code, are rescinded.



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**NOTICE OF PUBLIC HEARING**

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**FAMILY INDEPENDENCE AGENCY  
OFFICE OF CHILDREN AND ADULT LICENSING**

**Family And Group Day Care Homes Licensing Rules  
Rule Set 2004-005 FI**

**NOTICE OF PUBLIC HEARING  
February 28, 2005 2:00 P.M. – 6:00 P.M.  
Peter White Public Library – “Community Room”  
217 North Front, Marquette, Michigan**

The Family Independence Agency will hold a public hearing on Monday, February 28, 2005, in the "Community Room" at the Peter White Public Library. The hearing will be held to receive public comments on proposed changes to Family and Group Day Care Homes Licensing Rules.

The proposed rules would require caregivers to receive annual training. There is greater clarity in the rules for licensees and caregivers regarding licensee responsibilities, child supervision, and home maintenance requirements. The rules also provide specific requirements on issues that impact the care that children in home-based child care receive, including diapering, sleeping/napping, daily program activities, eating, and transportation. Comments on the rules may be made in person at the hearing or by mail, FAX, or Electronic mail until March 11, 2005.

These rules are promulgated by authority conferred on the Family Independence Agency by sections 308, 1105, 1108, and 1112 of 1980 PA 299, MCL 339.308 and 339.721, and Executive Reorganization Order No. 1996-2, MCL 445.2001. These rules will take effect seven days after filing with the Secretary of State.

The rule [Rule Set 2004-005FI] is published on the Michigan Government web site at <http://www.michigan.gov/orr> and in the *Michigan Register* in the February 1, 2005 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Family Independence Agency  
James Sinnamon, Office of Children and Adult Licensing  
P. O. Box 30650  
Lansing MI 48909-8150

Phone: 517/373-8300 FAX: 517/ 335-6121 E-mail: [jssinna@michigan.gov](mailto:jssinna@michigan.gov)

The public hearing will be conducted in compliance with the 1990 Americans With Disabilities Act, in an accessible building with handicap parking available. Anyone needing assistance to take part in the hearing can call 517/335-6124 to make arrangements.



**FAMILY INDEPENDENCE AGENCY  
OFFICE OF CHILDREN AND ADULT LICENSING**

**Family And Group Day Care Homes Licensing Rules  
Rule Set 2004-005 FI**

**NOTICE OF PUBLIC HEARING**

**March 1, 2005 3:00 P.M. – 7:00 P.M.**

**Northwestern Michigan College – “Haggerty Center Room B”  
715 East Front Street, Traverse City, Michigan**

The Family Independence Agency will hold a public hearing on Tuesday, March 1, 2005, in “Haggerty Center, Room B” at Northwestern Michigan College. The hearing will be held to receive public comments on proposed changes to Family and Group Day Care Homes Licensing Rules.

The proposed rules would require caregivers to receive annual training. There is greater clarity in the rules for licensees and caregivers regarding licensee responsibilities, child supervision, and home maintenance requirements. The rules also provide specific requirements on issues that impact the care that children in home-based child care receive, including diapering, sleeping/napping, daily program activities, eating, and transportation. Comments on the rules may be made in person at the hearing or by mail, FAX, or Electronic mail until March 11, 2005.

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**FAMILY INDEPENDENCE AGENCY  
OFFICE OF CHILDREN AND ADULT LICENSING**

**Family And Group Day Care Homes Licensing Rules  
Rule Set 2004-005 FI**

**NOTICE OF PUBLIC HEARING  
March 3, 2005 3:00 P.M. – 7:00 P.M.  
Schoolcraft College – “VisTaTech Center - Theatre”  
18600 Haggerty Road, Livonia, Michigan**

The Family Independence Agency will hold a public hearing on Thursday, March 3, 2005, in the “VisTaTech Center Theatre” at Schoolcraft College. The hearing will be held to receive public comments on proposed changes to Family and Group Day Care Homes Licensing Rules.

The proposed rules would require caregivers to receive annual training. There is greater clarity in the rules for licensees and caregivers regarding licensee responsibilities, child supervision, and home maintenance requirements. The rules also provide specific requirements on issues that impact the care that children in home-based child care receive, including diapering, sleeping/napping, daily program activities, eating, and transportation. Comments on the rules may be made in person at the hearing or by mail, FAX, or Electronic mail until March 11, 2005.

These rules are promulgated by authority conferred on the Family Independence Agency by sections 308, 1105, 1108, and 1112 of 1980 PA 299, MCL 339.308 and 339.721, and Executive Reorganization Order No. 1996-2, MCL 445.2001. These rules will take effect seven days after filing with the Secretary of State.

The rule [Rule Set 2004-005FI] is published on the Michigan Government web site at <http://www.michigan.gov/orr> and in the *Michigan Register* in the February 1, 2005 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Family Independence Agency  
James Sinnamon, Office of Children and Adult Licensing  
P. O. Box 30650  
Lansing MI 48909-8150

Phone: 517/373-8300 FAX: 517/ 335-6121 E-mail: [jssinna@michigan.gov](mailto:jssinna@michigan.gov)

The public hearing will be conducted in compliance with the 1990 Americans With Disabilities Act, in an accessible building with handicap parking available. Anyone needing assistance to take part in the hearing can call 517/335-6124 to make arrangements.

**FAMILY INDEPENDENCE AGENCY  
OFFICE OF CHILDREN AND ADULT LICENSING**

**Family And Group Day Care Homes Licensing Rules  
Rule Set 2004-005 FI**

**NOTICE OF PUBLIC HEARING  
March 7, 2005 5:00 P.M. – 8:00 P.M.  
Masonic Center – “Theatre”  
233 East Fulton, Grand Rapids, Michigan**

The Family Independence Agency will hold a public hearing on Monday, March 7, 2005, in the “Theatre” at the Masonic Center. The hearing will be held to receive public comments on proposed changes to Family and Group Day Care Homes Licensing Rules.

The proposed rules would require caregivers to receive annual training. There is greater clarity in the rules for licensees and caregivers regarding licensee responsibilities, child supervision, and home maintenance requirements. The rules also provide specific requirements on issues that impact the care that children in home-based child care receive, including diapering, sleeping/napping, daily program activities, eating, and transportation. Comments on the rules may be made in person at the hearing or by mail, FAX, or Electronic mail until March 11, 2005.

These rules are promulgated by authority conferred on the Family Independence Agency by sections 308, 1105, 1108, and 1112 of 1980 PA 299, MCL 339.308 and 339.721, and Executive Reorganization Order No. 1996-2, MCL 445.2001. These rules will take effect seven days after filing with the Secretary of State.

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**FAMILY INDEPENDENCE AGENCY  
OFFICE OF CHILDREN AND ADULT LICENSING**

**Family And Group Day Care Homes Licensing Rules  
Rule Set 2004-005 FI**

**NOTICE OF PUBLIC HEARING  
March 10, 2005 3:00 P.M. – 7:00 P.M.  
Michigan Masonic Pathways– “Theatre”  
1200 Wright Avenue, Alma, Michigan**

The Family Independence Agency will hold a public hearing on Thursday, March 10, 2005, in the “Theatre” at the Michigan Masonic Pathways. The hearing will be held to receive public comments on proposed changes to Family and Group Day Care Homes Licensing Rules.

The proposed rules would require caregivers to receive annual training. There is greater clarity in the rules for licensees and caregivers regarding licensee responsibilities, child supervision, and home maintenance requirements. The rules also provide specific requirements on issues that impact the care that children in home-based child care receive, including diapering, sleeping/napping, daily program activities, eating, and transportation. Comments on the rules may be made in person at the hearing or by mail, FAX, or Electronic mail until March 11, 2005.

These rules are promulgated by authority conferred on the Family Independence Agency by sections 308, 1105, 1108, and 1112 of 1980 PA 299, MCL 339.308 and 339.721, and Executive Reorganization Order No. 1996-2, MCL 445.2001. These rules will take effect seven days after filing with the Secretary of State.

The rule [Rule Set 2004-005FI] is published on the Michigan Government web site at <http://www.michigan.gov/orr> and in the *Michigan Register* in the February 1, 2005 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Family Independence Agency  
James Sinnamon, Office of Children and Adult Licensing  
P. O. Box 30650  
Lansing MI 48909-8150

Phone: 517/373-8300 FAX: 517/ 335-6121 E-mail: [jssinna@michigan.gov](mailto:jssinna@michigan.gov)

The public hearing will be conducted in compliance with the 1990 Americans With Disabilities Act, in an accessible building with handicap parking available. Anyone needing assistance to take part in the hearing can call 517/335-6124 to make arrangements.

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**PROPOSED ADMINISTRATIVE RULES**

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**ORR # 2004-020**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**WASTE AND HAZARDOUS MANAGEMENT DIVISION**  
**SOLID WASTE MANAGEMENT**

Filed with the Secretary of State on  
These rules take effect 7 days after filing with the Secretary of State.

(By authority conferred on the director and the department of environmental quality by Sections 11538, 11539, and 11540 of 1994 PA 451, and Executive Reorganization Order No. 1995-16, MCL 324.11538, 324.11539, 324.11540, and 324.99903.)

December 2004

R 299.4102, R 299.4105, R 299.4307, R 299.4315, R 299.4318, R 299.4319, R 299.4412, R 299.4439, R 299.4440, R 299.4441, R 299.4442, R 299.4443, R 299.4444, R 299.4445, R 299.4451, R 299.4453, R 299.4907, and R 299.4908 of the Michigan Administrative Code are amended to read as follows:

**PART 1. GENERAL PROVISIONS**

R 299.4102 Definitions; C to E.

Rule 102. As used in these rules:

(a) “Cement kiln dust” means particulate material that is collected in air emission control devices which serve portland cement kilns.

(b) “Closed unit” means a landfill unit at which final closure has been completed and certified in accordance with R 299.4317 or R 299.4449.

(c) “Commercial waste” means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, but does not include household waste from single residences, hazardous waste, and industrial wastes. Commercial waste includes solid waste from any of the following:

(i) Multiple residences.

(ii) Hotels and motels.

(iii) Bunkhouses.

(iv) Ranger stations.

(v) Crew quarters.

(vi) Campgrounds.

(vii) Picnic grounds.

(viii) Day-use recreation areas.

(d) “Composite liner” means a system that consists of both of the following components:

(i) An upper component that consists of a flexible membrane liner which is installed in direct and uniform contact with the lower compacted soil component. The flexible membrane liner shall have

a nominal thickness not less than 30 mils thick. For high-density polyethylene components, the flexible membrane shall have a nominal thickness not less than 60 mils.

(ii) A lower component that consists of any of the following soil layers:

(A) Compacted soil which is not less than 2 feet thick and which is in compliance with R 299.4913.

(B) A bentonite geocomposite liner that is in compliance with R 299.4914.

(C) An alternative soil layer that is approved under these rules.

(e) “Composting” means the process by which biological decomposition of yard clippings or compostable material is carried out under controlled aerobic conditions and which stabilizes the organic fraction into a material that can easily and safely be stored, handled, and used in an environmentally acceptable manner. The presence of insignificant anaerobic zones within the composting material will not cause the process to be classified as other than composting.

(f) “Composting facility” means a facility where composting of yard clippings or compostable material occurs using composting technology. Composting technology may include physical turning, windrowing, aeration, or other mechanical handling of organic matter.

(g) “Construction and demolition waste” means waste building materials, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on houses, commercial or industrial buildings, and other structures. Construction and demolition waste includes trees and stumps which are more than 4 feet in length and 2 inches in diameter and which are removed from property during construction, maintenance, or repair. Construction and demolition waste does not include any of the following, even if it results from the construction, remodeling, repair, and demolition of structures:

(i) Asbestos waste.

(ii) Household waste.

(iii) Corrugated containerboard.

(iv) Appliances.

(v) Drums and containers.

(vi) Any aboveground or underground tank and associated piping, except septic tanks.

(vii) Solid waste that results from any processing technique which renders individual waste components unrecognizable, such as pulverizing or shredding, unless the type and origin of such waste is known not to contain the wastes listed in paragraphs (i) to (vi) of this subdivision.

(h) “Contiguous property” means the same or geographically contiguous property that may be divided by a public or private right-of-way. Pieces of property owned by the same person and connected by a right-of-way which the owner controls and to which the public does not have access are also contiguous.

(i) “Designated planning agency” means a governmental unit or regional planning agency that is determined, under the act, to be responsible for the preparation of a solid waste management plan.

(j) “Disease vectors” means any rodents, flies, mosquitoes, or other animals, including insects, that are capable of transmitting disease to humans.

(k) “Disposal” means any of the following:

(i) The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters. Disposal includes the placement of solid waste in an open dump, landfill, or waste piles that are not exempt under R 299.4129(2) or R 299.4130.

(ii) The open burning or incineration of solid waste.

(iii) The processing of solid waste.

(iv) The storage or handling of solid waste at a solid waste transfer facility.

(v) The abandonment of solid waste in place of other disposal.

(l) “Disposal area type” means 1 of the following types of disposal areas defined by the act and these rules:

- (i) Municipal solid waste landfill.
- (ii) Industrial waste landfill.
- (iii) Construction and demolition waste landfill.
- (iv) Municipal incinerator ash landfill.
- (v) Incinerator.
- (vi) Processing plant.
- (vii) Transfer facility.
- (viii) Waste pile.

(m) **“Domestic well” means a well that may be used to provide water to a property for household activities.**

~~(m)~~ (n) “Enforceable mechanism” means a legal method whereby the state, a county, or municipal government, or a person can take action to guarantee compliance with an approved county solid waste management plan. Enforceable mechanisms include any of the following:

- (i) Contracts.
- (ii) Intergovernmental agreements.
- (iii) Laws.
- (iv) Ordinances.
- (v) Rules.
- (vi) Regulations.

~~(n)~~ (o) “Environmental contamination” means the release of a hazardous substance in a quantity that is or may become injurious to the environment or to the public health, safety, or welfare.

~~(o)~~ (p) “Environmental interest group” means a nonprofit citizens' organization that has bylaws which support environmental enhancement or the conservation of Michigan's natural resources and that has an organization which does not directly reflect an economic interest of its members.

~~(p)~~ (q) “Existing disposal area” means any of the following:

- (i) A disposal area that has been issued a construction permit under the act.
- (ii) A disposal area that had engineering plans approved by the director before January 11, 1979.
- (iii) An industrial waste landfill that was authorized to operate by the director or by court order before October 9, 1993.

An industrial waste pile that is located at the site of generation on October 9, 1993.

~~(q)~~ (r) “Existing unit” or “existing landfill unit” means any landfill unit that receives solid waste as of October 9, 1993. Waste placement in existing landfill units shall be consistent with past operating practices or modified practices to ensure good management.

R 299.4105 Definitions; S to W.

Rule 105. As used in these rules:

(a) “Sanitary landfill” means a type of disposal area consisting of 1 or more landfill units and the active work areas associated with these units. Sanitary landfills shall be classified as 1 of the following types of landfills:

(i) A type II landfill, which is a municipal solid waste landfill and includes a municipal solid waste incinerator ash landfill.

(ii) A type III landfill, which is any landfill that is not a municipal solid waste landfill or hazardous waste landfill and includes all of the following:

- (A) Construction and demolition waste landfills.

(B) Industrial waste landfills.

(C) Landfills which accept waste other than household waste, municipal solid waste incinerator ash, or hazardous waste from conditionally exempt small quantity generators.

(b) “Saturated zone” or “zone of saturation” means that part of the earth's crust in which all voids are filled with water.

(c) “Scavenging” means the uncontrolled picking of materials from solid waste.

(d) “Secondary collection system” means the liquid collection and removal system between the liners of a multiple liner system in a landfill cell. In the case of an unmonitorable unit, the secondary collection system is also a leak detection system.

(e) “Sludge” means any solid or semisolid waste that is generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility. “Sludge” also includes any other semisolid industrial waste.

(f) “Specific site” means an area within a municipality or municipalities.

“Sole-source aquifer” means those aquifers that are designated under section 1424(e) of the federal safe drinking water act of 1974, Public Law 93-523, 42 U.S.C. §300h et seq.

(h) “Solid waste boundary” means the outermost perimeter of the solid waste (projected in the horizontal plane) as it would exist at completion of the sanitary landfill and as authorized in a construction permit or in engineering plans approved for the landfill unit by the solid waste control agency before January 11, 1979.

(i) “Solid waste control agency” means the certified health department that has jurisdiction in the county or, in the absence of a certified health department, the department.

(j) “Solid waste management industry” means any of the following:

(i) An individual or organization that derives a substantial portion of its income from the collection, transportation, or disposal of solid waste.

(ii) A manufacturing industry that collects, transports, and disposes of solid waste that is generated incidental to its operation.

(iii) A unit of government or subdivision thereof that collects, transports, or disposes of solid waste within its political boundary when 4 members, as defined in paragraphs (i) and (ii) of this subdivision, cannot be found.

(k) “Solid waste management system” means a set of procedures that provides for the collection, transportation, separation, recycling, recovery, and disposal of solid waste.

(l) “Speculative accumulation” means the storage of material intended for recycling or reuse at a site for a period of over 1 year, or for low-hazard industrial waste accumulated at the site of generation, a period of 3 years. A material is not accumulated speculatively, however, if the person who accumulates it can show that the material can be recycled into marketable raw materials or new products and that, during the period, the amount of material that is recycled or that is transferred to a different site for recycling equals not less than 75%, by weight or volume, of the amount of material that was accumulated at the beginning of the period.

(m) “Standard industrial classification number” means the number assigned to an industry by the United States office of management and budget and contained in the standard industrial classification manual. The manual is adopted by reference in R 299.4126.

(n) **“Statistically significant increase” means a verified increase in groundwater concentration for a given constituent for which statistical analysis is required in the approved hydrogeological monitoring plan, which is inconsistent with background concentrations given chance expectations for the site as a whole. Verification sampling for any exceedance of the statistical limit must be completed within 90 days of the original sampling date.**



~~(n)~~ **(o)** “Sump” means any lined pit, manhole, or reservoir that serves to collect liquids drained from a leachate collection and removal system, secondary collection system, or leak detection system.

~~(n)~~ **(p)** “Surface water” means a body of water that has its top surface exposed to the atmosphere and includes a flowing body, a pond, or a lake, except for drainageways and ponds that are used solely for wastewater conveyance, treatment, or control.

~~(p)~~ **(q)** “Synthetic liner” or “flexible membrane liner” means very low-permeability synthetic membrane liners or barriers that are used with any geotechnical engineering-related material as an integral part of a man-made project, structure, or system.

~~(q)~~ **(r)** “Total inorganic nitrogen” means the sum of ammonia-nitrogen, nitrate-nitrogen, and nitrite-nitrogen.

~~(s)~~ **(s)** “TSCA” means the toxic substances control act, 15 U.S.C. §2601 et seq.

~~(s)~~ **(t)** “Unmonitored unit” means a landfill unit that is not a monitorable unit.

~~(t)~~ **(u)** “Uppermost aquifer” means the geologic formation which is nearest to the natural ground surface and which is an aquifer and includes lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

~~(u)~~ **(v)** “Vertical expansion” means the landfilling of solid waste above the elevations indicated in the construction permit or in engineering plans approved for the landfill unit by the solid waste control agency before January 11, 1979. Increases in elevation approved by the director are not new disposal areas if the volume of waste to be disposed of is not expanded beyond the volume previously approved and if the expansion is in compliance with the act and these rules.

~~(v)~~ **(w)** “Wetland” means the areas defined as wetlands in part 303 of the act.

R 299.4307 Type III landfills; design standards; natural soil sites; lined sites.

Rule 307. (1) The design standards of this rule apply to both of the following:

(a) New disposal areas for industrial waste.

(b) New units and lateral extensions of existing units at a construction and demolition waste landfill.

(2) Except as required by subrules (5) and (6) of this rule, a type III landfill shall be located and designed with either of the following:

(a) A liner that is in compliance with subrule (4) of this rule.

(b) A natural soil barrier that is in compliance with subrule (3)(a) of this rule.

(c) For low-hazard industrial waste, a means of otherwise preventing groundwater contamination, as provided by subrule 3(b) of this rule.

(3) The following provisions apply with respect to natural soil sites for type III landfills:

(a) A natural soil barrier shall have a maximum demonstrated hydraulic conductivity of  $1.0 \times 10^{-7}$  cm/sec and shall meet the criteria specified in R 299.4912. The director may approve a combination of natural soils with a maximum demonstrated hydraulic conductivity of  $1.0 \times 10^{-6}$  cm/sec having a thickness that provides equivalent protection to 10 feet of

$1.0 \times 10^{-7}$  cm/sec soil. Type III natural clay sites where the clay does not extend to the surface shall include side cutoff walls or other barriers and controls to impede the lateral infiltration of water into the fill and to impede lateral flow of leachate out of the fill interior.

(b) Applications for low-hazard industrial waste landfills at natural soil sites that do not meet the permeability or soil classifications of subdivision (a) of this subrule shall be considered based on the hydrogeologic characteristics of the site, including the permeability and thickness of the soils, the ability of the soils to attenuate leachate, groundwater level, and other factors particular to a specific site. In addition, all of the following requirements apply:

(i) The applicant shall characterize the waste in accordance with R 299.4118 and shall retest the waste annually, or on a more frequent schedule, as specified by the solid waste control agency if the character of the waste is variable.

(ii) In the application, an applicant shall explain the rationale for the design using calculations, if applicable, and professional analyses to show how the proposed design is expected to be in compliance with the performance standards specified in R 299.4306.

(iii) Two thousand feet of horizontal isolation shall exist in the direction of groundwater flow measured from the solid waste boundary to public water supply wells and domestic wells in existence at the time of an advisory analysis.

(iv) One thousand feet of horizontal isolation shall exist in directions lateral to or upgradient of the direction of groundwater flow measured from the solid waste boundary to public water supply wells and off-site domestic wells in existence at the time of advisory analysis.

(v) Based on the hydrogeological evaluation, the director may approve a decrease in the isolation distances specified in paragraphs (ii) to (iv) of this subdivision.

(vi) An applicant shall demonstrate, by technical calculations, considering the design details and operational procedures specific to the site, how run-off from those portions of the landfill that contain solid waste will be managed to comply with R 299.4306.

(4) All of the following may be used as a liner system for type III landfills:

(a) A compacted soil liner which has a minimum thickness of 3 feet and which is in compliance with the specifications of R 299.4913.

(b) A composite liner.

(c) A flexible membrane liner which is in compliance with the specifications of R 299.4915 and which is not less than 30 mils thick, if the liner is installed on stable soil not less than 4 feet thick and which has a hydraulic conductivity that is less than  $1.0 \times 10^{-5}$  cm/sec.

(d) Other liner materials, modified soils, or technologically advanced liner systems, based on data supplied by the applicant regarding the system's durability, permeability, resistance to sunlight and chemicals, and performance in similar applications. The director shall determine the acceptability of the data and proposed design.

(5) New disposal areas for industrial solid waste that do not meet the criteria for low-hazard industrial solid waste contained in R 299.4122 shall, at a minimum, contain a composite liner.

(6) A new unit or a lateral extension of an existing unit at a type III landfill that is an unmonitorable unit shall not be licensed unless the unit contains a leak detection system that is monitored in accordance with the approved hydrogeological monitoring plan. **The owner or operator of an unmonitorable unit who installs a leak detection system to monitor the unit shall include in the hydrogeological monitoring plan provisions for monitoring the leak detection system in accordance with the requirements of R 299.4437.**

R 299.4315 Type III landfill operating requirements; equipment; supervision; access; unloading of solid waste; control of dust and blowing papers; spreading and compaction; cell volume; hazardous waste, liquids, or sewage; burning; on-site roads; salvaging; insects and rodents; sloping, grading, and drainage; noise levels; monitor well sampling; leachate removal and disposal.

Rule 315. (1) Properly maintained equipment of adequate number, type, and size shall be used in operating a type III landfill pursuant to established engineering practice and these rules. Backup equipment shall be available on the site or suitable arrangements shall be made to provide for such equipment from other sources during equipment breakdown or during peak loads.

(2) A type III landfill operation shall be under the immediate direction of a responsible individual.

(3) Access to a type III landfill shall be limited to those times when an attendant is on duty or when an alternative monitoring device is in use and shall be limited to those persons who are authorized to use the site for the disposal of solid waste. Access to the site shall be controlled by a suitable barrier.

(4) The unloading of solid waste shall be continuously supervised.

(5) Measures shall be provided to control fugitive dust, odors, and other emissions at a type III landfill. These measures shall be sufficient to ensure that the operation of the landfill will not produce any emission that results in a violation of part 55 of the act.

(6) Solid waste at a construction and demolition waste landfill shall be spread so that it can be compacted in layers that are not more than 2 feet deep. Large and bulky items, when not excluded from the site, shall be disposed of in a manner that is approved by the solid waste control agency.

(7) The owner or operator of a type III landfill shall record the quantity of waste that is disposed of in tons or cubic yards. Records of waste disposal shall be used to calculate deposits into the perpetual care fund that are required by section 11525 of the act.

(8) The following wastes shall not be disposed of in a type III landfill:

(a) Materials that would adversely affect the liner.

(b) Household waste.

(c) Hazardous waste, as defined in R 299.9203.

(d) Liquid waste, except for industrial sludges and leachate recirculated under R 299.4308(2).

(9) The burning of trees, stumps, and brush at a type III landfill shall be severely restricted and shall be conducted only in designated areas with the permission of the solid waste control agency and other appropriate authorities. Suitable measures shall be available to extinguish accidental fires.

(10) On-site roads shall be designed and constructed so that traffic flows smoothly and is not interrupted by ordinary inclement weather.

(11) Salvaging at a construction and demolition waste landfill, if allowed by the licensee, shall be organized so that it does not interfere with the prompt sanitary disposal of solid waste or create unsightliness or health hazards. Scavenging is not permitted. White goods and other recyclable metals may be stored for eventual recycling on the site of a construction and demolition waste landfill in a separate area away from the active work area if a nuisance or health hazard does not develop. The period of storage shall not be longer than a period of time that constitutes speculative accumulation.

(12) Conditions unfavorable to the propagation of insects and rodents shall be maintained at a construction and demolition waste landfill by carrying out routine landfill operations promptly and systematically. Supplemental insect and rodent control measures shall be instituted when necessary.

(13) The entire site, including the fill surface, shall be sloped, graded, and provided with drainage facilities to accomplish all of the following purposes:

(a) Minimize run-off onto and into the fill.

(b) Prevent erosion or washing of the fill.

(c) Drain off rainwater falling on the fill.

(d) Prevent the collection of standing water.

(14) Landfill operations shall be conducted in a manner that will not exceed the noise levels specified in R 299.4305(5). The solid waste control agency shall monitor noise levels using weighted decibel measurements, referenced to 20 micropascals, with a type of audio output meter approved by the United States bureau of standards.

(15) A licensee shall have the monitoring wells sampled and analyzed at least quarterly during the landfill's operation. Following the closure of the landfill, ~~biannual~~ **semiannual** sampling and reporting are required during the 30-year postclosure period. Sampling, preservation, and analysis

procedures shall be approved by the department. Analyses shall be submitted to the ~~solid waste control agency~~ **department** within 30 days of the end of the calendar quarter, **in a form and format specified by the department.**

(16) A licensee shall remove leachate from a leachate collection sump as frequently as necessary to maintain less than 1 foot of liquid in the leachate collection and removal system and shall check the leachate collection sump at least monthly to assure compliance with this requirement.

(17) The collected leachate shall be disposed of in a manner that does not damage the environment. Disposal options may include conveying the leachate to a publicly owned treatment works upon written approval of the municipality that operates the treatment works or other facility permitted under part 31 of the act. This rule does not preclude the need for any other authorization that is required for the leachate disposal method selected.

R 299.4318 Type III landfill operating requirements; groundwater monitoring.

Rule 318. (1) The requirements of this rule apply to all type III landfill units, except as provided in subrule (2) of this rule.

(2) The director shall reduce or waive certain groundwater monitoring requirements of this rule if the owner or operator can demonstrate compliance with ~~both~~ **either** of the following provisions:

(a) That there is no potential for migration of hazardous constituents from that type III unit to the uppermost aquifer during the active life of the unit and the **30 year** post-closure care period. The demonstration shall be certified by a qualified groundwater scientist and approved by the director and shall be based upon both of the following:

(i) Site-specific field collected measurements, sampling, and analysis of physical, chemical, and biological processes that affect contaminant fate and transport.

(ii) Contaminant fate and transport predictions that maximize contaminant migration and consider impacts on human health and the environment.

(b) That a discharge to the uppermost aquifer will occur, but that such discharge is authorized and monitored under a permit issued pursuant to the provisions of ~~act 245~~ **part 31 of the act.**

(3) Owners and operators of type III landfill units shall comply with the groundwater monitoring requirements of this rule ~~according to the following schedule:~~

~~(a) Existing construction and demolition waste landfill units and lateral extensions of existing units shall be in compliance with the groundwater monitoring requirements of this rule by October 9, 1994.~~

~~(b) Existing industrial waste landfill units and lateral extensions of existing units shall be in compliance with the groundwater monitoring requirements specified in this rule by October 9, 1995.~~

~~(c) New type III landfill units shall be in compliance with the groundwater monitoring requirements specified in this rule before waste can be placed in the unit.~~

(4) Once established at a type III landfill unit, groundwater monitoring shall be conducted throughout the active life and **30 year** post-closure care period of that unit.

(5) Groundwater monitoring is required at type III landfill units at all groundwater monitoring wells defined pursuant to the provisions of R 299.4906. At a minimum, a groundwater monitoring program for a type III landfill shall include monitoring for the following constituents:

(a) The primary inorganic indicators that are listed in the provisions of R 299.4450 or alternate indicators listed in the provisions of R 299.4451 **quarterly during the active life of the facility and semiannually during the 30-year post-closure period, except as provided for in subrule (7).**

(b) The constituents that are listed in the provisions of ~~40 C.F.R. 258, appendix I~~ **R 299.4452, R 299.4453 and R 299.4454**, annually during the active life of the facility and the **30-year** post-closure period, except as provided in subrule (6) of this rule.

**(c) Other constituents required by a construction permit or approved hydrogeologic monitoring plan.**

(6) The director shall delete any of the monitoring parameters specified in subrule (5) of this rule for a type III landfill unit if it can be shown that the removed constituents are not reasonably expected to be in or derived from the waste that is contained in the unit in significant concentrations. An owner or operator may demonstrate that a constituent is not expected to be in or derived from the waste in significant concentrations if 1 of the following conditions exists based on ~~a~~ **all available historical** waste characterizations pursuant to the provisions of R 299.4118 or the **historical** analysis of leachate from **not less than 2 consecutive** samplings:

(a) The constituent and any breakdown products are not ~~and have not been detected at practical quantitation limits approved by the director detectable~~.

(b) The concentration of the constituent is below the background concentration of the constituent in groundwater.

(c) The concentration of the constituent is below ~~type B levels for groundwater that are specified in R 299.5709 and other~~ **the part 201 generic residential criteria contained in R 299.5744 and R 299.5746, and other** constituents will serve as better indicators of leakage from the landfill unit.

(7) The owner and operator of a type III landfill may apply to the director for an appropriate alternative frequency for repeated sampling and analysis for constituents that are specified in subrule (5) of this rule during the active life, including closure, and the **30 year** post-closure care period. The alternative frequency during the active life, including closure, shall be not less than semiannually. The alternative frequency shall be based on consideration of all of the following factors:

(a) Lithology of the aquifer and unsaturated zone.

(b) Hydraulic conductivity of the aquifer and unsaturated zone.

(c) Groundwater flow rates.

(d) Minimum distance **of travel between waste and the closest** ~~the upgradient edge of the unit and the~~ downgradient monitoring well screen.

(e) ~~OR~~ **The presence of an alternate monitoring system, such as a secondary collection system.**

(8) A minimum of 4 independent samples from each background and downgradient well shall be collected and analyzed during the first sampling event. **An alternate background collection schedule may be approved by the department.** At least 1 sample from each background and downgradient well shall be collected and analyzed during subsequent sampling events.

(9) If the owner or operator determine, pursuant to a statistical test specified in R 299.4908, that there is a statistically significant increase over background for 1 or more of the constituents or indicators listed in subrule (5) of this rule at any monitoring well at or within the solid waste boundary, **or at other monitoring locations required by the director**, then the owner and operator shall do all of the following:

(a) Within 14 days of the determination, place a notice in the ~~operating record~~ **facility's files** that indicates which constituents have shown statistically significant ~~changes~~ **increases** from background levels and notify the director ~~that the notice has been placed in the operating record~~.

(b) Within 30 days **of the determination**, ~~resample the affected well or wells for those compounds.~~

(c) ~~If the results of the second analysis confirm the initial results, prepare a response action plan that is in compliance with the requirements of R 299.4319 and submit the plan to the director, except as provided in subrule (10) of this rule.~~

~~(10) If~~ the owner and operator may demonstrate to the director that a source other than a landfill unit or other source at the facility caused the contamination, that the statistically significant increase

resulted from error in sampling, analysis, statistical evaluation, or natural variation in groundwater quality, or that the increase is authorized by a permit that is issued pursuant to the provisions of act 245 or a variance that is issued pursuant to the provisions of act 245 which is approved pursuant to the provisions of R 299.2210 **part 31 of the act**. A report that documents this demonstration shall be certified by a qualified groundwater scientist, be ~~approved by~~ **submitted to** the director **within 30 days of the determination** and be placed in the ~~operating record~~ **facility's files**. If the director notifies the owner or operator ~~within 90 days that~~ a successful demonstration ~~has~~ is not ~~been~~ made, then **within 15 days of the notification by the director** the owner and operator shall submit a response action plan to the director as required in R 299.4319. If a successful demonstration is made and documented, the owner or operator shall do the following:

(ai) Continue detection monitoring as specified in this rule.

(bii) Determine whether the presence of hazardous constituents in groundwater renders any new units or lateral extensions within the solid waste boundary unmonitorable. If so, the owner and operator shall develop a schedule for submitting revised engineering plans for such lateral extensions or new units that include a leak detection system. **The owner or operator of an unmonitorable unit who installs a leak detection system to monitor the unit shall include in the hydrogeological monitoring plan provisions for monitoring the leak detection system in accordance with R 299.4437.**

R 299.4319 Type III landfill operation; response action plan.

Rule 319. (1) The owner and operator of a type III landfill unit that is required to prepare a response action plan shall do all of the following:

(a) Identify possible sources of groundwater contamination.

(b) Identify interim response activities taken or to be taken to control possible sources of contamination.

(c) For a unit that the owner or operator determines is a probable source of contamination, develop and submit a schedule for terminating waste receipt, initiating closure, and redesigning and constructing new units to include a leak detection system or other means of monitoring the unit. If appropriate, the schedule shall be based on all of the following factors:

(i) The concentration of hazardous substances.

(ii) The rate of migration.

(iii) Risks to human health and the environment, including the proximity of drinking water supplies.

(iv) The practicality of initiating closure.

(v) The availability of other disposal locations.

(vi) Other relevant factors.

(2) The director shall approve or deny a response action plan within 60 days of submittal. If the director denies a plan, **then** the director shall specify schedules for closure and interim response necessary to protect human health and the environment.

(3) If the concentrations of all constituents that are listed in ~~the provisions of 40 C.F.R. part 258, appendix H R 299.4318(5), or other applicable hazardous substances~~, are shown to be at or below background values, using the statistical procedures in R 299.4908, for 2 consecutive sampling events, or other concentrations authorized pursuant to ~~the provisions of act 245 or act 307~~ **part 201 of the act**, then the owner and operator shall notify the director of this finding and may suspend actions under the response action plan.

(4) As part of a response action plan for a type III landfill, the owner or operator shall do both of the following:

(a) Establish groundwater protection standards for all constituents that are determined to be above background in accordance with ~~the provisions of R 299.5709 that were promulgated pursuant to the provisions of act 307~~ **part 201 of the act.**

(b) If necessary, initiate a remedial investigation pursuant to ~~the provisions of R 299.5511 that were promulgated pursuant to the provisions of act 307~~ **part 201 of the act.**

(5) If the concentration of any **constituent listed in R 299.4318(5) or other applicable hazardous constituent substance** is above background, but all concentrations are below ~~type B the appropriate cleanup criteria for groundwater as specified in R 299.5709 that was promulgated pursuant to the provisions of act 307~~ **established by the department pursuant to section 20120a(1)(a) of the act, using the statistical procedures in R 299.4908**, then the owner and operator shall do all of the following:

(a) Continue response actions to control the source of contamination.

(b) Continue groundwater monitoring in accordance with ~~the provisions of R 299.4318.~~

(c) Characterize the nature and extent of any release by installing additional monitoring wells, as necessary.

(d) If the sampling of wells indicates that hazardous ~~constituents~~ **substances** have migrated off-site, notify all persons who own the land or reside on the land that directly overlies any part of the impacted area.

(6) If 1 or more hazardous ~~constituents~~ **substances** are detected at statistically significant levels ~~and are above the type B criteria for groundwater as specified in R 299.5707~~ **appropriate cleanup criteria for groundwater established by the department pursuant to section 20120a of the act** in any sampling event, then the owner or operator shall **do all of the following:**

(a) **Continue response actions to control the source of contamination.**

(b) **Continue groundwater monitoring in accordance with the provisions of R 299.4318.**

(c) **Characterize the nature and extent of any release by installing additional monitoring wells, as necessary.**

(d) **If the sampling of wells indicates that hazardous substances have migrated off-site, notify all persons who own the land or reside on the land that directly overlies any part of the impacted area.**

(e) ~~Initiate a feasibility study, as specified in R 299.5513 that was promulgated pursuant to the provisions of act 307~~ **part 201 of the act.** The feasibility study shall be completed within a reasonable period of time approved by the director.

(7) Based on the results of the feasibility study, the owner and operator shall propose to the director a remedial action plan which is in compliance with the provisions of ~~R 299.5515 and which describes the selected remedy and how it meets the standards of act 307~~ **part 201 of the act.**

R 299.4412 Type II landfill location restrictions; horizontal isolation distances.

Rule 412. (1) The requirements of this rule apply to type II landfills that are new disposal areas.

(2) A type II landfill shall be located and designed to ensure that the isolation distance between the active work area of the landfill and adjacent property is adequate to prevent the creation of nuisance conditions due to any of the following:

(a) Noise in excess of the levels specified in R 299.4431.

(b) Blowing papers.

(c) Dust.

(d) Odor.

(e) Vectors.

(f) Pest animals.

(g) Equipment vibration.

(3) An applicant for a type II landfill construction permit shall submit a management plan for controlling nuisance conditions and their impact on adjoining land uses. The plan shall include recommended isolation distances to prevent nuisances based on the environmental assessment submitted under R 299.4903. However, the director shall require greater isolation distances from adjacent property lines if the director determines that greater isolation is necessary to meet the performance standards of these rules.

(4) The active work area at the facility shall not be located closer than 100 feet to adjacent property lines or road rights-of-way or closer than 300 feet to domiciles that exist at the time an advisory analysis is requested. In addition, the approval of an isolation distance that is less than 200 feet from adjacent property lines or road rights-of-way requires the existence of a berm which is not less than 8 feet high, which has a 4-foot fence on top, and which is constructed around the perimeter of the active work area or the existence of natural screening that offers equivalent protection.

(5) The active work area of a type II landfill shall not be located within the following distances of surface waters:

(a) Within 400 feet of inland lakes and streams, as defined in part 301 of the act, but not including drains, as defined by ~~1956 PA 40, MCL Act No. 40 of the Public Acts of 1956, as amended, being §280.1, et seq. of the Michigan Compiled Laws.~~ The distance is equivalent to that isolation distance required from natural rivers by part 305 of the act.

(b) Within 2,000 feet of the Great Lakes or Lake St. Clair.

(6) The active work area of a type II landfill shall not be located within the isolation area of a wellhead which is used as a domestic or public water supply, as defined in ~~Act~~ 399, and which is in existence at the time an advisory analysis is requested for the disposal area under section 11510 of the act. Except as provided in subrule (7) of this rule, the isolation area shall be as follows:

(a) The active work area shall be a minimum of 2,000 feet from wells that serve type I and type IIa water supplies, as defined in R 325.10502.

(b) The active work area shall be a minimum distance of 800 feet from wells that serve type IIb and type III public water supplies, as defined in R 325.10502, and from off-site domestic wells. **The 800-foot isolation distance to off-site domestic wells does not apply when the domestic well is located on property owned by the facility, provided that adequate monitoring of the domestic well is required by the facility's hydrogeological monitoring plan. This well shall not be removed from the facility's hydrogeological monitoring plan without department approval.**

(7) The director shall require an increase or approve a decrease in the isolation area to a public water supply based on the hydrogeological report and act 399.

R 299.4439 Type II landfill groundwater monitoring and corrective action; applicability.

Rule 439. (1) The requirements of R 299.4440 to R 299.4445 apply to all type II landfill units, except as provided in subrules (2) and (6) of this rule.

(2) An owner or operator of a type II landfill may petition the director to reduce or waive certain groundwater monitoring requirements specified in R 299.4440 to R 299.4445 if the owner or operator can demonstrate that there is no potential for the migration of hazardous constituents from that type II landfill unit to the uppermost aquifer during the active life of the unit and the post-closure care period. This demonstration shall be certified by a qualified groundwater scientist and approved by the director and shall be based upon both of the following:

(a) Site-specific field collected measurements, sampling, and analysis of physical, chemical, and biological processes that affect contaminant fate and transport.



(b) Contaminant fate and transport predictions that maximize contaminant migration and consider impacts on human health and the environment.

(3) The director shall waive sampling and analysis for secondary organic constituents specified in R 299.4454 upon a demonstration by the owner or operator that the criteria of subrule (2) of this rule are met by the following conditions:

(a) The landfill unit will have an active life less than 20 years.

(b) The landfill unit meets both the location criteria of R 299.4422(3) and the design criteria of R 299.4422(4), which provide for a secondary collection system.

(c) The constituents have not been detected in the secondary collection system.

(4) Owners and operators of type II landfill units shall comply with the groundwater monitoring requirements of this part. ~~according to the following schedule:~~

~~(a) Existing type II landfill units and lateral extensions of existing units that do not have a secondary leachate collection and removal system shall be in compliance with the groundwater monitoring requirements specified in R 299.4440 to R 299.4445 by October 9, 1994.~~

~~(b) Existing type II landfill units and lateral extensions of existing units which have a leak detection system, but which are unmonitorable units, shall be in compliance with the groundwater monitoring requirements specified in R 299.4440 to R 299.4445 by October 9, 1995.~~

~~(c) Existing type II landfill units and lateral extensions which have a secondary collection system and which are monitorable units shall be in compliance with the groundwater monitoring requirements specified in R 299.4440 to R 299.4445 by October 9, 1996.~~

~~(d) New type II landfill units shall be in compliance with the groundwater monitoring requirements specified in R 299.4440 to R 299.4445 before waste can be placed in the unit.~~

(5) Once established at a type II landfill unit, groundwater monitoring shall be conducted throughout the active life and **30 year** post-closure care period of that unit as specified in R 299.4449.

(6) In addition to the requirements of subrule (4) of this rule, owners and operators of ~~existing and~~ preexisting landfill units shall comply with the groundwater monitoring plan for the unit approved by the director before the effective date of this rule, **unless a new plan is approved by the director.**

R 299.4440 Type II landfill groundwater monitoring; detection monitoring program.

Rule 440. (1) Detection monitoring is required at type II landfill units at all groundwater monitoring wells defined in R 299.4906. At a minimum, a detection monitoring program for a type II landfill shall include monitoring for all of the following constituents:

(a) The primary indicators listed in R 299.4450, **conductivity** and pH, at least quarterly during the active life and semiannually during the postclosure period, **except as provided for in subrule (5) and (6) of this rule.**

(b) The following constituents listed at least semiannually during the active life of the facility and the postclosure period, except as provided in subrules (2) to (6) of this rule:

(i) Heavy metals that are listed in R 299.4452.

(ii) Primary volatile organic constituents listed in R 299.4453.

(iii) Secondary organic constituents listed in R 299.4454.

(2) The director shall waive the sampling and analysis of some or all of the heavy metals specified in R 299.4452 if other inorganic indicator parameters listed in R 299.4450 or R 299.4451 provide a reliable indication of inorganic releases from the unit to groundwater. In determining whether to approve a waiver, the director shall consider all of the following factors:

(a) The types, quantities, and concentrations of constituents in the wastes that are managed at the type II landfill unit.

(b) The mobility, stability, and persistence of waste constituents or their reaction products in the unsaturated zone beneath the type II landfill unit.

(c) The detectability of indicator parameters, waste constituents, and reaction products in the groundwater.

(d) The concentration ~~or values and coefficients of variation and variance~~ of monitoring parameters ~~or constituents~~ in the groundwater background.

(3) The owner and operator of a type II landfill unit that contains a secondary collection system shall be deemed to have met the criteria of subrule (2) of this rule and may conduct sampling and analysis for primary indicators listed in R 299.4450 in place of the heavy metals listed in R 299.4452 if all of the following conditions are met:

(a) Leachate monitoring shows that the concentration of all of the indicators in leachate is not less than 10 times the concentration in groundwater.

(b) Secondary collection system monitoring shows all of the following:

(i) That the allowable flow rate has not been exceeded.

(ii) That the concentration of 2 or more indicators in the system is not more than the following threshold values for 2 consecutive sampling events:

(A) For chlorides, 250 mg/l.

(B) For iron, 0.3 mg/l.

(C) For sulfates, 250 mg/l.

(D) For total inorganic nitrogen, 10 mg/l.

(E) For total dissolved solids, 500 mg/l.

(F) For other constituents, a value approved by the director.

(iii) That volatile organics listed in R 299.4453 have not been detected in the secondary collection system.

(iv) That the concentration of metals listed in R 299.4452 has not exceeded ~~1/10 the value specified in R 299.4123~~ **the part 201 generic residential cleanup criteria contained in R 299.5744 and R 299.5746.**

(c) The unit is a monitorable unit.

(d) The concentration of the indicators in groundwater is normally distributed.

(4) The director shall delete any of the monitoring parameters listed in R 299.4452 to R 299.4454 for a type II landfill unit if it can be shown that the removed constituents are not reasonably expected to be in or derived from the waste that is contained in the unit. An owner or operator may demonstrate that a constituent is not expected to be in or derived from the waste if the constituent and any breakdown products are not detectable in leachate at practical quantitation limits approved by the director based on historic analysis of leachate from not less than 2 sampling events.

(5) The owner and operator of a type II landfill may apply to the director for an appropriate alternative frequency for repeated sampling and analysis for **pH, conductivity, and the constituents specified in R 299.4452 to R 299.4454**, during the active life, including closure, and the postclosure care period. The alternative frequency during the active life, including closure, shall be at least **semiannually for pH, conductivity, and the constituents specified in R 299.4450 and R 299.4451, and at least annually for the constituents specified in R 299.4452 to R 299.4454.** The alternative frequency shall be based on consideration of all of the following factors:

(a) The lithology of the aquifer and unsaturated zone.

(b) The hydraulic conductivity of the aquifer and unsaturated zone.

(c) The groundwater flow rates.

(d) The minimum distance of travel between waste and the closest downgradient monitoring well screen.

(e) ~~or~~ The presence of an alternative monitoring system, such as a secondary collection system.

~~(e)~~ (f) The resource value of the aquifer.

(6) The owner or operator of a type II landfill unit shall be deemed to meet the criteria of subrule (5) of this rule and may reduce sampling of the following constituents to the following frequency during the active life and **30-year** postclosure period if the following conditions are met as applicable:

(a) The heavy metals listed in R 299.4452 and secondary organic constituents listed in R 299.4454 to annually if the active portions of the unit contain a composite liner underlain by a natural soil barrier in compliance with the leakage control criteria of R 299.4422(2).

(b) For monitorable units which contain a secondary collection system in the active portion, but which are not underlain by a natural soil barrier meeting the criteria of R 299.4422(2), all constituents listed in R 299.4450 to R 299.4454 to the following frequency:

(i) To annually, if the average daily flow rate in the secondary collection system of all landfill cells in the active portion does not exceed the following flow rates during the previous 6 months:

(A) A value of 5 gallons per acre per day for landfill cells that have less than 2 feet of compacted clay in the primary liner.

(B) A value of 50 gallons per acre per day for landfill cells that have not less than 2 feet of compacted clay in the primary liner.

(ii) To semiannually, if the average daily flow rate in the secondary collection system of any landfill cell in the active portion has exceeded the flow rates specified in paragraph (i) of this subdivision in the previous 6 months, but has not exceeded the following action flow rates for the cell during the previous 6 months:

(A) A value of 25 gallons per acre per day for landfill cells that have less than 2 feet of compacted clay in the primary liner.

(B) A value of 200 gallons per acre per day for landfill cells that have not less than at least 2 feet of compacted clay in the primary liner.

(c) For monitorable units that contain a secondary collection system in the active portion underlain by a natural soil barrier meeting the criteria of R 299.4422(2), to annually if the average daily flow rate in the secondary collection system of any landfill cell in the active portion has not exceeded the following flow rates during the previous 6 months:

(i) A value of 25 gallons per acre per day for landfill cells that have less than 2 feet of compacted clay in the primary liner.

(ii) A value of 200 gallons per acre per day for landfill cells that have not less than 2 feet of compacted clay in the primary liner.

(7) A minimum of 4 independent samples from each background and downgradient well shall be collected and analyzed during the first sampling event. At least 1 sample from each background and downgradient well shall be collected and analyzed during subsequent sampling events. **An alternate background collection schedule may be approved by the director.**

(8) If the owner and operator determine, pursuant to a statistical test specified in R 299.4908, that there is a statistically significant increase over background for 1 or more of the constituents at any monitoring well at the solid waste boundary or at other monitoring locations required by the director, then the owner and operator shall do both of the following:

(a) Within 14 days of the determination, place a notice in the operating record that indicates which constituents have shown statistically significant ~~increases~~**changes** from background levels and notify the director that the notice is placed in the operating record.

(b) Prepare an assessment monitoring plan that is in compliance with ~~the requirements of~~ R 299.4441 and a response action plan that is in compliance with ~~the requirements of~~ R 299.4442 within ~~90~~ **45** days of the determination, except as provided in subrule (9) of this rule.

(9) The owner and operator may demonstrate to the director that a source other than a ~~type II~~ landfill unit **or other source at the facility** caused the contamination or that the statistically significant increase resulted from error in sampling, analysis, ~~or~~ statistical evaluation or from natural variation in groundwater quality. A report that documents the demonstration shall be certified by a qualified groundwater scientist, be submitted to the director within ~~60~~ **30** days of the determination specified in subrule (8) of this rule, and be placed in the operating record. If a successful demonstration is made and documented, then the owner or operator ~~may~~ **shall do the following:**

(a) Continue detection monitoring as specified in this rule.

(b) **Determine whether the presence of hazardous constituents in groundwater renders any new units or lateral extensions within the solid waste boundary unmonitorable. If so, the owner and operator shall develop a schedule for submitting revised engineering plans for such lateral extensions or new units that include a leak detection system.**

(10) If the director notifies the owner and operator that a successful demonstration has not been made, then, within ~~30~~ **15** days of notification by the director, the owner and operator shall initiate an assessment monitoring program as required in R 299.4441 **and submit a response action plan to the director as required in R 299.4442.**

R 299.4441 Type II landfill groundwater monitoring; assessment monitoring program.

Rule 441. (1) Assessment monitoring is required at a type II landfill if a statistically significant increase over background has been detected for 1 or more of the constituents listed in R 299.4440.

(2) Within 90 days of the triggering of an assessment monitoring program, and annually thereafter, the owner and operator of a type II landfill shall sample and analyze the groundwater for all constituents listed in **R 299.4450 to R 299.4452 and 40 C.F.R part 258, appendix II at an appropriate subset of monitoring wells approved by the director.** A minimum of 1 sample from each **approved** downgradient well shall be collected and analyzed during each sampling event. For any constituent that is detected in the downgradient wells as a result of the complete **R 299.4450 to R 299.4452 and** appendix II constituent analysis, a minimum of 4 independent samples from each background and downgradient well shall be collected and analyzed to establish background for the constituents. The director shall consider an appropriate subset of wells to be sampled and analyzed for **R 299.4450 to R 299.4452 and** appendix II constituents during assessment monitoring. The director shall delete any of the appendix II constituents for a unit if it can be shown, based on leachate data, secondary collection system monitoring, waste classification data, or other data, that the removed constituents are not reasonably expected to be in or derived from the waste contained in the unit.

(3) The director shall specify an appropriate frequency for repeated sampling and analysis for all of the **R 299.4450 to R 299.4452 and** appendix II constituents for which sampling and analysis are required by this rule during the active life, including closure, and post-closure care of the unit. In specifying the frequency, the director shall consider all of the following factors:

(a) The lithology of the aquifer and unsaturated zone.

(b) The hydraulic conductivity of the aquifer and unsaturated zone.

(c) Groundwater flow rates.

(d) The minimum distance between upgradient edge of the unit and downgradient monitoring well screen.

(e) The nature of any constituents detected in response to this rule.

(4) After obtaining the results from the initial or subsequent sampling events required in subrule (2) of this rule, the owner and operator shall do all of the following:

(a) Within 14 days, place a notice in the operating record that identifies the **R 299.4450 to R 299.4452 and** appendix II constituents that have been detected and notify the director that this notice has been placed in the operating record.

(b) Within 90 days, and on at least a semiannual basis thereafter, resample all wells specified by the provisions of ~~R 299.4906~~**441(2)**, conduct analyses for all constituents listed in ~~R 299.4452~~**0** to ~~R 299.4454~~ and for those constituents listed in appendix II that are detected in response to the requirements of subrule (2) of this rule, and record their concentrations in the facility operating record. At least 1 sample from each background and downgradient well shall be collected and analyzed during these sampling events. The director shall consider an alternative monitoring frequency during the active life, including closure, and the post-closure period for the constituents referred to in this subdivision. The alternative frequency for constituents listed in ~~R 299.4452~~**0** to ~~R 299.4454~~, during the active life, including closure, shall be at least annually. The alternative frequency shall be based on consideration of the factors specified in subrule (3) of this rule.

(c) Establish background concentrations for any constituents detected pursuant to this rule **where background has not already been established.**

(d) ~~In accordance with the provisions of R 299.5709,~~ Establish groundwater protection standards **consistent with section 20120a of the act** for all constituents that are detected pursuant to this rule.

~~(e) Except as provided by subrule (8) of this rule, prepare a response action plan that is in compliance with the requirements of R 299.4442 and submit the plan to the director within 90 days of such variance.~~

(5) If the concentrations of all **constituents listed in R 299.4450 to R 299.4454 and all** appendix II constituents are shown to be at or below background values, using the statistical procedures in ~~R 299.4908~~, for 2 consecutive sampling events, then the owner and operator shall notify the director of the finding and may return to detection monitoring.

(6) If the concentration of any **constituent listed in R 299.4450 to R 299.4454 or any** appendix II constituents are above background values, but all concentrations are below the groundwater protection standard established pursuant to the provisions of subrule (9) of this rule, ~~using the statistical procedures in R 299.4908,~~ then the owner and operator shall do all of the following:

(a) Continue assessment monitoring in accordance with this rule.

(b) Characterize the nature and extent of the release by installing additional monitoring wells as necessary.

(c) Install at least 1 additional monitoring well at the facility boundary in the direction of contaminant migration and sample the well in accordance with the provisions of subrule (4) of this rule.

(d) Notify all persons who own the land or reside on the land that directly overlies any part of the plume of contamination if contaminants have migrated off-site as indicated by the sampling of wells in accordance with this rule.

~~(e) Except as provided by subrule (8) of this rule, prepare a response action plan meeting the requirements of R 299.4442 and submit the plan to the director within 90 days of such variance.~~

(7) If 1 or more **constituent listed in R 299.4450 to R 299.4454 or** appendix II constituents are detected at statistically significant levels **and are** above the groundwater protection standard established pursuant to ~~the provisions of~~ subrule (9) of this rule, in any sampling event, then the owner or operator shall do all of the following:

(a) Within 14 days of the detection, place a notice in the operating record that identifies the ~~appendix II constituents~~ **hazardous substances** that have exceeded the ~~type B criteria for groundwater~~ **residential criteria for groundwater established pursuant to section 20120a of the act.**

(b) Notify the director and all appropriate local government officials that the notice has been placed in the operating record.

(c) **Continue assessment monitoring in accordance with this rule.**

(d) **Characterize the nature and extent of the release by installing additional monitoring wells as necessary.**

(e) **Install at least 1 additional monitoring well at the facility boundary in the direction of contaminant migration and sample the well in accordance with subrule (4) of this rule.**

(f) **Notify all persons who own the land or reside on the land that directly overlies any part of the plume of contamination if contaminants have migrated off-site as indicated by the sampling of wells in accordance with this rule.**

~~(e)~~(g) Except as provided by subrule (8) of this rule, initiate an assessment of corrective measures as required by R 299.4443 within 90 days of the detection.

(8) An owner and operator may demonstrate that a source other than a type II landfill unit or other source at the facility caused the contamination or that the statistically significant increase resulted from error in sampling, analysis, or statistical evaluation or from natural variation in groundwater quality. A report that documents the demonstration shall be certified by a qualified groundwater scientist, approved by the director, and placed in the operating record. Until a successful demonstration is made, the owner and operator shall comply with subrules (6) and (7) of this rule, ~~including initiating an assessment of corrective measures and a response action plan.~~ If a successful demonstration is made, the owner and operator shall do the following:

(a) Continue monitoring in accordance with the assessment monitoring program pursuant to this rule. The owner and operator may return to detection monitoring if the ~~appendix II constituents~~ **hazardous substances** are at or below background as specified in subrule (5) of this rule.

(b) Determine whether any new units or lateral extensions of existing units will be unmonitorable. If so, the owner and operator shall develop a schedule for submitting revised engineering plans for such lateral extensions and new units that are in compliance with the provisions of R 299.4422(4), and include a leak detection system.

(c) Not be subject to the response action plan requirements of R 299.4442 or the assessment of corrective measures of R 299.4443.

(9) The owner or operator shall establish a groundwater protection standard for each ~~appendix II constituent~~ **hazardous substance** that is detected in groundwater. The groundwater protection standard shall be as follows:

(a) For constituents for which a maximum contaminant level has been promulgated pursuant to the provisions of section 1412 of the safe drinking water act and has been codified at 40 C.F.R. part 141, the lowest of the following:

(i) The maximum contaminant level for that constituent.

(ii) ~~The type B criteria for that constituent for groundwater as specified in R 299.5709~~  
**applicable cleanup criteria for that constituent for groundwater as established pursuant to section 20120a of the act.**

(b) For constituents for which the background level is higher than the maximum contaminant level or ~~type B~~ **applicable cleanup** criteria for groundwater, the background concentration.

(c) For constituents for which a maximum contaminant level has not been promulgated, either of the following:

(i) The background concentration for the constituent established from wells in accordance with the provisions of R 299.4906(1).

(ii) ~~The/type B~~ **applicable cleanup** criteria for that constituent for groundwater ~~as specified in R 299.5709~~ **established pursuant to section 20120a of the act.**

R 299.4442 Type II landfill groundwater monitoring; response action plan.

Rule 442. (1) The owner and operator of a type II landfill unit that is required to prepare a response action plan shall identify all of the following:

(a) Possible sources of contamination.

(b) Interim response activities taken or to be taken to control possible sources of contamination.

(c) For units that the owner or operator concludes are probable sources of contamination, a schedule for terminating waste receipt, for initiating closure at units, and for redesigning and constructing new units that have leak detection systems. The schedule shall be based on all of the following:

(i) The concentration of hazardous substances.

(ii) The rate of migration.

(iii) Risks to human health and the environment, including the proximity of drinking water supplies.

(iv) The practicality of initiating closure.

(v) The availability of other disposal locations.

(vi) Other relevant factors.

(2) The director shall approve or deny a response action plan within 60 days of submittal. If the director denies a plan, the director shall specify schedules for closure and interim response necessary to protect human health and the environment.

(3) If the concentrations of all ~~constituents listed in appendix II~~ **hazardous substances** are shown to be at or below background values, using the statistical procedures in R 299.4908, for 2 consecutive sampling events, the owner and operator shall notify the director of this finding and may suspend actions under the response action plan.

R 299.4443 Type II landfill corrective action; assessment of corrective measures.

Rule 443. (1) Within 90 days of finding that any ~~of the constituents listed in appendix II~~ **hazardous substances** have been detected at a statistically significant level, ~~and exceeding the~~ groundwater protection standards defined in R 299.4442~~1~~, the owner and operator of a type II landfill shall initiate an assessment of corrective measures. Such an assessment shall be completed within a reasonable period of time approved by the director.

(2) The owner and operator shall continue to monitor in accordance with the assessment monitoring program as specified in R 299.4442~~1~~.

(3) The assessment or corrective measures shall be in compliance with the requirements for feasibility studies contained in ~~R 299.5513~~ **part 201 of the act** and shall include an analysis of the effectiveness of potential corrective measures in meeting all of the requirements and objectives of the remedy. The analyses shall address all of the following areas:

(a) The performance, reliability, ease of implementation, and potential impacts of appropriate potential remedies, including safety impacts, cross-media impacts, and control of exposure to any residual contamination.

(b) The time required to begin and complete the remedy.

(c) The costs of remedy implementation.

(d) The institutional requirements, such as state or local permit requirements or other environmental or public health requirements, that may substantially affect implementation of the remedy or remedies.

(4) The owner and operator shall discuss the results of the feasibility study of corrective measures in a public meeting with interested and affected parties before selecting a remedy.

R 299.4444 Type II landfill corrective action; remedy selection and remedial action plan.

Rule 444. (1) Based on the results of the corrective measures assessment pursuant to the provisions of R 299.4443, the owner and operator shall propose to the director a remedy that, at a minimum, meets the standards specified in subrule (2) of this rule. The owner and operator shall, within 14 days of selecting a remedy, submit to the director a proposed remedial action plan which is in compliance with the provisions of ~~R 299.5515~~ **part 201 of the act** and which describes the selected remedy and how it meets the standards of ~~subrule (2) of this rule and act 307~~ **part 201 of the act**. The proposed remedial action plan shall be placed in the operating record.

(2) Remedies that are proposed by an owner or operator shall be in compliance with all of the following provisions:

(a) Be protective of human health and the environment.

(b) Be able to attain the groundwater protection standard as specified in R 299.4442**1**.

(c) Control the source or sources of releases so as to reduce or eliminate, to the maximum extent practicable, further releases of **R 299.4450 to R 299.4452 and appendix II** constituents into the environment that may pose a threat to human health or the environment.

(d) Be in compliance with standards for the management of wastes as specified in R 299.4445(4).

(3) In selecting a remedy that is in compliance with the standards of subrule (2) of this rule, the owner or operator shall consider all of the following evaluation factors:

(a) The long- and short-term effectiveness and protectiveness of the potential remedy or remedies, together with the degree of certainty that the remedy will prove successful based on a consideration of all of the following:

(i) The magnitude of the reduction of existing risks.

(ii) The magnitude of residual risks in terms of the likelihood of further releases due to waste that remains after the implementation of a remedy.

(iii) The type and degree of long-term management required, including monitoring, operation, and maintenance.

(iv) Short-term risks that might be posed to the community, workers, or the environment during the implementation of a remedy, including the potential threats to human health and the environment that are associated with excavation, transportation, and the redisposal of contaminants.

(v) Time until full protection is achieved.

(vi) The potential for the exposure of humans and environmental receptors to remaining wastes, considering the potential threat to human health and the environment that is associated with excavation, transportation, redisposal, or containment.

(vii) The long-term reliability of the engineering and institutional controls.

(viii) The potential need for replacement of the remedy.

(b) The effectiveness of the remedy in controlling the source to reduce further releases based on a consideration of both of the following factors:

(i) The extent to which containment practices will reduce further releases.

(ii) The extent to which treatment technologies may be used.



(c) The ease or difficulty of implementing a potential remedy or remedies based on a consideration of all of the following types of factors:

- (i) The degree of difficulty that is associated with constructing the technology.
- (ii) The expected operational reliability of the technologies.
- (iii) The need to coordinate with, and obtain necessary approvals and permits from, other agencies.

(iv) The availability of necessary equipment and specialists.

(v) The available capacity and location of needed treatment, storage, and disposal services.

(d) The practicable capability of the owner or operator, including a consideration of the technical and economic capability.

(e) The degree to which community concerns are addressed by a potential remedy or remedies.

(4) The owner and operator shall specify, as part of the remedial action plan, a schedule for initiating and completing remedial activities. The schedule shall require the initiation of remedial activities within a reasonable period of time approved by the director, taking into consideration the factors set forth in this subrule. The owner or operator shall consider all of the following factors in determining the schedule of remedial activities:

(a) The extent and nature of contamination.

(b) The practical capabilities of remedial technologies in achieving compliance with groundwater protection standards established pursuant to the provisions of R 299.44421(9) and other objectives of the remedy.

(c) The availability of treatment or disposal capacity for wastes that are managed during implementation of the remedy.

(d) The desirability of utilizing technologies which are not currently available, but which may offer significant advantages over already available technologies in terms of effectiveness, reliability, safety, or ability to achieve remedial objectives.

(e) The potential risks to human health and the environment from exposure to contamination before completion of the remedy.

(f) The resource value of the aquifer, including all of the following information:

(i) The current and future uses.

(ii) The proximity and withdrawal rate of users.

(iii) The groundwater quantity and quality.

(iv) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituent.

(v) The hydrogeologic characteristic of the facility and surrounding land.

(vi) Groundwater removal and treatment costs.

(vii) The cost and availability of alternative water supplies.

(g) The practicable capability of the owner or operator.

(h) Other relevant factors.

(5) The director shall not approve a remedial action plan that relies upon ~~type C criteria specified in R 299.5717~~ instead of the **criteria other than the** groundwater protection standard specified in the provisions of R 299.44421, unless the owner or operator demonstrates, to the satisfaction of the director, any of the following:

(a) The groundwater is additionally contaminated by substances that have originated from a source other than a unit and those substances are present in concentrations such that cleanup of the release from the unit would not provide a significant reduction in risk ~~or~~ to actual or potential receptors.

(b) The constituent or constituents are present in groundwater that is neither of the following:

(i) Currently, or reasonably expected to be, a source of drinking water.

(ii) Hydraulically connected with waters to which the hazardous constituents are migrating or are likely to migrate in a concentration or concentrations that would exceed the groundwater protection standards established pursuant to ~~the provisions of R 299.4441.~~

(c) Remediation of the release or releases is technically impracticable.

(d) Remediation results in unacceptable cross-media impacts.

(6) A determination by the director pursuant to ~~the provisions of~~ subrule (5) of this rule shall not affect the authority of the director to require the owner or operator to undertake source control measures or other measures that may be necessary to eliminate or minimize further releases to the groundwater, to prevent exposure to the groundwater, or to remediate the groundwater to concentrations that are technically practicable and significantly reduce threats to human health or the environment.

(7) The director shall evaluate proposed remedies utilizing the criteria specified in this rule and ~~the provisions of R 299.5603~~ **part 201 of the act.**

R 299.4445 Type II landfill corrective action; implementation of remedial action plan.

Rule 445. (1) Based on the schedule established pursuant to ~~the provisions of R 299.4444~~ for the initiation and completion of remedial activities, the owner and operator shall do all of the following:

(a) Establish and implement a corrective action groundwater monitoring program that is in compliance with all of the following provisions:

(i) At a minimum, meets the requirements of an assessment monitoring program pursuant to ~~the provisions of R 299.4441.~~

(ii) Indicate the effectiveness of the corrective action remedy.

(iii) Demonstrate compliance with the groundwater protection standard.

(b) Implement the remedial action plan approved pursuant to ~~the provisions of R 299.4444.~~

(c) Take any interim response activities which are required by the director or which are otherwise necessary to ensure the protection of human health and the environment. Interim measures shall, to the greatest extent practicable, be consistent with the objectives, and contribute to the performance, of any remedy that may be required pursuant to ~~the provisions of R 299.4444.~~ All of the following factors shall be considered by an owner or operator in determining whether interim measures are necessary:

(i) The time that is required to develop and implement a final remedy.

(ii) The actual or potential exposure of nearby populations or environmental receptors to hazardous constituents.

(iii) The actual or potential contamination of drinking water supplies or sensitive ecosystems.

(iv) The further degradation of the groundwater that may occur if remedial action is not initiated expeditiously.

(v) The weather conditions that may cause hazardous constituents to migrate or be released.

(vi) The risks of fire or explosion, or the potential for exposure to hazardous constituents as a result of an accident or failure of a container or handling system.

(vii) Other situations that may pose threats to human health and the environment.

(2) An owner or operator may determine, based on information that is developed after the implementation of the remedy has begun or other information, that compliance with the requirements of R 299.4444 is not being achieved through the remedy selected. In such cases, the owner or operator shall implement other methods or techniques that could practicably achieve compliance with the requirements, unless the owner or operator makes the determination specified in subrule (3) of this rule.

(3) If the owner or operator determines that compliance with requirements of R 299.4444(2) cannot be practically achieved with any currently available methods, then the owner or operator shall do all of the following:

(a) Obtain the certification of a qualified groundwater scientist and the approval of the director that compliance with the requirements of R 299.4444(2) cannot be practically achieved with any currently available methods.

(b) Implement alternate measures to control the exposure of humans or the environment to residual contamination as necessary to protect human health and the environment.

(c) Implement alternate measures that are in compliance with both of the following provisions for controlling the sources of contamination or for removing or decontaminating equipment, units, devices, or structures:

(i) Are technically practicable.

(ii) Are consistent with the overall objective of the remedy.

(d) Notify the director within 14 days that a report which justifies the alternative measures before implementing the alternative measures has been placed in the operating record.

(4) All solid wastes that are managed pursuant to a remedy or an interim measure required pursuant to the provisions of R 299.4444 shall be managed in a manner that is in compliance with both of the following provisions:

(a) Is protective of human health and the environment.

(b) Is in compliance with applicable requirements of the act and these rules.

(5) Remedies that are selected pursuant to ~~the provisions of~~ R 299.4444 shall be considered complete when the owner or operator complies with the groundwater protection standards established pursuant to ~~the provisions of~~ R 299.4441 at all points within the plume of contamination and when all actions to complete the remedy have been satisfied. For purposes of these rules, compliance with the groundwater protection standards established pursuant to ~~the provisions of~~ R 299.4441 has been achieved by demonstrating that concentrations of **R 299.4450 to R 299.4452 and appendix II** constituents have not exceeded the groundwater protection standards for a period of 3 consecutive years using the statistical procedures and performance standards specified in R 299.4908 or for an alternative length of time which is approved by the director and which takes into consideration all of the following factors:

(a) The extent and concentration of the releases.

(b) The behavior characteristics of the hazardous constituents in the groundwater.

(c) The accuracy of monitoring or modeling techniques, including any seasonal, meteorological, or other environmental ~~variabilities~~ **variables** that may affect the accuracy.

(d) The characteristics of the groundwater.

(6) Upon completion of the remedy, the owner and operator shall notify the director within 14 days that the remedy has been completed in compliance with the requirements of these rules and ~~act 307 and~~ has been placed in the operating record. The certification shall be signed by the owner and operator and by a qualified groundwater scientist and shall be approved by the director.

(7) When, upon completion of the certification, the owner or operator determines that the corrective action remedy has been completed in accordance with the requirements of this rule, the owner and operator shall be released from the requirements for financial assurance for corrective action pursuant to the act and these rules.

(8) The owner and operator shall be responsible for obtaining permission to enter off-site property to complete a remedial action plan.

R 299.4451 Type II landfill monitoring; alternate indicators.

Rule 451. (1) The following constituents are alternate indicators for purposes of monitoring type II landfills under this part:

(a) Magnesium.

- (b) Manganese.
- (c) Potassium.
- (d) Sodium.
- (e) Bicarbonate alkalinity.
- (f) Carbonate alkalinity.
- (g) ~~Conductivity~~ **Calcium**.
- (h) Phenolics.
- (i) Cyanide.
- (j) Total organic carbon.
- (k) Chemical oxygen demand.
- (l) Boron.

(2) A person may propose constituents other than those listed in this rule as an alternate indicator.

(3) The constituents listed in this rule shall be analyzed by methods specified in the EPA document entitled “Standard Methods for the Examination of Water and Wastewater, 19th edition,” which is adopted by reference in R 299.4139, or by other methods approved by the director or his or her designee.

R 299.4453 Type II landfill monitoring; primary volatile organic constituents.

Rule 453. (1) The constituents specified in this rule are considered primary volatile organic constituents for purposes of type II landfill monitoring.

(2) The following are halogenated volatile organic constituents:

- (a) Bromodichloromethane.
- (b) Bromoform; tribromomethane.
- (c) Carbon tetrachloride.
- (d) Chlorobenzene.
- (e) Chloroethane; ethyl chloride.
- (f) Chloroform; trichloromethane.
- (g) Dibromochloromethane; chlorodibromomethane.
- (h) o-Dichlorobenzene; 1,2-dichlorobenzene.
- (i) p-Dichlorobenzene; 1,4-dichlorobenzene.
- (j) 1,1-Dichloroethane; ethylidene chloride.
- (k) 1,2-Dichloroethane; ethylene dichloride.
- (l) 1,1-Dichloroethylene; 1,1-dichloroethene; vinylidene chloride.
- (m) cis-1,2-Dichloroethylene; cis-1,2-dichloroethene.
- (n) Trans-1,2-dichloroethylene; trans-1,2-dichloroethene.
- (o) 1,2-Dichloropropane; propylene dichloride.
- (p) cis-1,3-dichloropropene.
- (q) Trans-1,3-dichloropropene.
- (r) Methyl bromide; bromomethane.
- (s) Methyl chloride; chloromethane.
- (t) Methylene bromide; dibromomethane.
- (u) Methylene chloride; dichloromethane.
- (v) Methyl iodide; iodomethane.
- (w) 1,1,1,2-Tetrachloroethane.
- (x) 1,1,2,2-Tetrachloroethane.
- (y) Tetrachloroethylene; tetrachloroethene; perchloroethylene.

(z) 1,1,1-Trichloroethane; methyl chloroform.

(aa) 1,1,2-Trichloroethane.

(bb) Trichloroethylene; trichloroethene.

(cc) Trichlorofluoromethane.

(dd) 1,2,3-Trichloropropane.

(ee) Vinyl chloride.

(3) All of the following are aromatic volatile organic constituents:

(a) Benzene.

(b) Ethyl benzene.

(c) Styrene.

(d) Toluene.

(e) Xylenes.

(4) The constituents listed in this rule shall be analyzed using methods that are contained in the publication entitled "Standard Methods for the Examination of Water and Wastewater, 19th edition," which is adopted by reference in R 299.4139, or by other methods approved by the director or his or her designee.

R 299.4907 Landfill groundwater monitoring; sampling and analysis requirements.

Rule 907. (1) The groundwater monitoring program for a landfill shall include consistent sampling and analysis procedures that are designed to ensure monitoring results that provide an accurate representation of groundwater quality at the background and downgradient wells that are installed in compliance with R 299.4906. The owner or operator shall notify the director that the sampling and analysis program documentation has been placed in the operating record and that the program shall include procedures and techniques for all of the following:

(a) Sample collection.

(b) Sample preservation and shipment.

(c) Analytical procedures.

(d) Chain of custody control.

(e) Quality assurance and quality control.

(2) The groundwater monitoring program shall include sampling and analytical methods that are appropriate for groundwater sampling and that accurately measure hazardous constituents and other monitoring parameters in groundwater samples. Groundwater samples for metals shall be field-filtered before laboratory analysis, unless filtered samples alone will not accurately measure the concentration of metals in the given geologic setting, such as in permeable soils and karst terrains.

(3) The sampling procedures and frequency shall be protective of human health and the environment.

(4) Analytical methods that are used for groundwater monitoring samples shall be those specified in R 299.4450 to R 299.4454 and shall achieve practical quantitation limits approved by the director.

(5) Groundwater elevations shall be measured in each well immediately before purging each time groundwater is sampled. The owner or operator shall determine the rate and direction of groundwater flow each time groundwater is sampled. Groundwater elevations in wells that monitor the same disposal area shall be measured within a period of time that is short enough to avoid temporal variations in groundwater flow which could preclude an accurate determination of groundwater flow rate and direction.

(6) Groundwater elevations shall be determined by methods that are precise to 1/8 of an inch or 0.01 feet, as measured from the top of the well casing. The top of the well casing shall be related to a permanent reference point using United States geological survey datum.

(7) The owner and operator shall establish background groundwater quality in a hydraulically upgradient or background well or wells for each of the monitoring parameters or constituents that are required in the particular groundwater monitoring program which applies to the unit, as determined under this part. Background groundwater quality may be established at wells that are not located hydraulically upgradient from the unit if the well meets the requirements of R 299.4906(1)(a).

(8) The number of samples that are collected to establish groundwater quality data shall be consistent with the appropriate statistical procedures that are determined under R 299.4908. For type II landfills, the sampling procedures shall be those specified in R 299.4440 for detection monitoring, R 299.4441 for assessment monitoring, and R 299.4444 for remedial action.

(9) All samples that are obtained shall be representative of the site's groundwater quality. To ensure a representative sample, before a sample for collection and analysis is obtained, each well shall be purged until dry or until not less than 3 times the amount of water in the well casing has been removed. Groundwater monitoring wells shall be sampled immediately after purging where recovery rates allow. Where detection monitoring wells are pumped dry during purging, samples shall be taken within 24 hours.

(10) If nondedicated pumps or mobile sampling equipment is used, the owner or operator shall use the following procedures to minimize the potential for the cross-contamination of samples:

(a) All groundwater monitoring wells shall be sampled from upgradient to downgradient, except that monitoring wells that are located in areas of known groundwater contamination shall be sampled in order, from the least contaminated well to the most contaminated well.

(b) Each piece of equipment shall be thoroughly cleaned and rinsed with distilled water before use in each monitoring or detection well.

(c) Other procedures that are approved by the department.

(11) The owner and operator of a landfill shall submit all monitoring results to the director or his or her designee not later than 30 days after the end of the calendar quarter. **The data must be submitted in a form and format specified by the department.**

(12) The owner and operator of a landfill shall sample and analyze groundwater in accordance with the publication entitled "Test Methods for Evaluating Solid Waste, Physical-Chemical Methods," EPA publication SW-846, 3rd edition, which is adopted by reference in R 299.4133, the publication entitled "Standard Methods for the Examination of Water and Wastewater, 19th edition," which is adopted by reference in R 299.4139, or by other methods approved by the director or his or her designee.

R 299.4908 Landfill groundwater monitoring; statistical procedures.

Rule 908. (1) The owner and operator of a landfill shall evaluate groundwater monitoring data for each hazardous constituent, **except pH and conductivity**, using 1 of the following statistical tests:

(a) A parametric analysis of variance (ANOVA) followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method shall include estimation and testing of the contrasts between each compliance well's mean and the background mean levels for each constituent.

(b) An analysis of variance (ANOVA) based on ranks followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method shall include estimation and testing of the contrasts between each compliance well's median and the background median levels for each constituent.

(c) A tolerance or prediction interval procedure in which an interval for each constituent is established from the distribution of the background data and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit.

(d) A control chart approach that gives control limits for each constituent.

(e) Another statistical test method that is in compliance with the performance standards of subrule (2) of this rule. The owner or operator shall place a justification for this alternative in the operating record and notify the director of the use of this alternative test. The justification shall demonstrate that the alternative method is in compliance with the performance standards of subrule (2) of this rule.

(2) Any statistical method chosen under subrule (1) of this rule shall be in compliance with all of the following performance standards:

(a) The statistical method used to evaluate groundwater monitoring data shall be appropriate for the distribution of chemical parameters or hazardous constituents. If the distribution of the chemical parameters or hazardous constituents is shown by the owner or operator to be inappropriate for a normal theory test, then the data shall be transformed or a distribution-free theory test shall be used. If the distributions for the constituents differ, more than 1 statistical method may be needed.

(b) If an individual well comparison procedure is used to compare an individual compliance well constituent concentration with background constituent concentrations or a groundwater protection standard, the test shall be done at a type I error level of not less than 0.01 for each testing period. If a multiple comparisons procedure is used, the type I experiment wise error rate for each testing period shall be not less than 0.05; however, the type I error of not less than 0.01 for individual well comparisons shall be maintained. This performance standard does not apply to tolerance intervals, prediction intervals, or control charts.

(c) If a control chart approach is used to evaluate groundwater monitoring data, the specific type of control chart and its associated parameter values shall be protective of human health and the environment. The parameters shall be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.

(d) If a tolerance interval or a predictional interval is used to evaluate groundwater monitoring data, then the levels of confidence and, for tolerance intervals, the percentage of the population that the interval must contain shall be protective of human health and the environment. These parameters shall be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.

(e) The statistical method shall account for data below the limit of detection with 1 or more statistical procedures that are protective of human health and the environment. Any practical quantitation limit (PQL) that is used in the statistical method shall be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.

(f) If necessary, the statistical method shall include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.

(3) The statistical test chosen shall be specified in the operating record and shall be conducted separately for each hazardous constituent at each well.

(4) The owner or operator shall determine whether or not there is a statistically significant increase over background values for each parameter or constituent required in the particular groundwater monitoring program that applies to the unit.

(5) In determining whether a statistically significant increase has occurred, the owner or operator shall compare the groundwater quality of each parameter or constituent at each monitoring well that is designated under R 299.4906 to the background value of that constituent, according to the statistical procedures and performance standards specified in this rule.

(6) The owner or operator shall **complete the statistical analysis at each monitoring well and submit the results** ~~determine whether there has been a statistically significant increase over background at each monitoring well~~ within 30 days of the end of the calendar quarter in which sampling and analysis was conducted.

(7) Nothing in this rule prohibits the department from evaluating monitoring data using statistical procedures it deems appropriate at a given location.



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**NOTICE OF PUBLIC HEARING**

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**ORR # 2004-020**  
**NOTICE OF PUBLIC HEARING**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**WASTE AND HAZARDOUS MATERIALS DIVISION**

The Michigan Department of Environmental Quality (DEQ), Waste and Hazardous Materials Division, will conduct a public hearing on proposed administrative rules promulgated pursuant to Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); select rules

(R 299.4102, R 299.4105, R 299.4307, R 299.4315, R 299.4318, R 299.4319, R 299.4412, R 299.4439, R 299.4440, R 299.4441, R 299.4442, R 299.4443, R 299.4444, R 299.4445, R 299.4451, R 299.4453, R 299.4907, and R 299.4908). These rules are intended to provide clarification on existing rules and also provide consistency with other state regulations.

The public hearing will be held on March 11, 2005, at 10:00 a.m., in the Con-Con Conference Room, Constitution Hall, Atrium South, 525 West Allegan Street, Lansing, Michigan.

These rules can also be downloaded from the Internet through the Office of Regulatory Reform at <http://www.state.mi.us/orr>. Copies of the rules may also be obtained by contacting the Lansing office at:

Waste and Hazardous Materials Division  
Michigan Department of Environmental Quality  
P.O. Box 30241  
Lansing, Michigan 48909-7741  
Phone: 517-335-2690  
Fax: 517-373-4797

All interested persons are invited to attend and present their views. It is requested that all statements be submitted in writing for the hearing record. Anyone unable to attend may submit comments in writing to the address above. Written comments must be received by March 25, 2005.

Persons needing accommodations for effective participation in the meeting should contact the Waste and Hazardous Materials Division at 517-335-2690 one week in advance to request mobility, visual, hearing, or other assistance.

This notice of public hearing is given in accordance with Sections 41 and 42 of Michigan's Administrative Procedures Act, 1969 PA 306, as amended, being Sections 24.241 and 24.242 of the Michigan Compiled Laws. Administration of the rules is by authority conferred on the Director of the DEQ by Sections 324.11508, 324.11538, 324.11539, and 324.11540 of Act 451 and Executive Order 1995-16. These rules will become effective seven days after filing with the Secretary of State.

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George W. Bruchmann, Chief  
Waste and Hazardous Materials Division

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**PROPOSED ADMINISTRATIVE RULES**

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**ORR # 2004-048**

**DEPARTMENT OF LABOR AND ECONOMIC GROWTH**

**DIRECTOR'S OFFICE**

**MICHIGAN CHILDREN'S PROTECTION REGISTRY RULES**

Filed with the Secretary of State on  
These rules take effect on July 1, 2005

(By authority conferred on the department of labor and economic growth by section 3 of 2004 PA 241, MCL 752.1063)

R 484.501, R 484.502, R 484.503, R 484.504, R 484.505, R 484.506, R 484.507, R 484.508, R 484.509, R 484.510, R 484.511, and R 484.512 are added to the Michigan Administrative Code as follows:

**R 484.501 Definitions.**

Rule 1. As used in these rules:

(a) "Children's Protection Registry Fund" means a separate fund created in the state treasury to be administered by the department under section 4 of 2004 PA 241, MCL 752.1064. The fund shall serve as a repository for fees collected under section 3 of the Michigan Children's Protection Registry Act.

(b) "Cohort" means a logical grouping of minors represented by a group registrant. Uses of cohorts include, but are not limited to, schools choosing to register each graduating class with a designated birth year.

(c) "Contact point" means any electronic identification to which messages can be sent, including any of the following:

- (i) An instant message identity.
- (ii) A wireless telephone number.
- (iii) A pager number.
- (iv) A facsimile number.
- (v) An electronic mail address.

(vi) Other electronic addresses subject to rules promulgated under 2004 PA 241, MCL 752.1063 by the department.

(d) "Department" means the Michigan department of labor and economic growth.

(e) "Digital media" means any magnetic or electronic storage device, including but not limited to, hard disks, floppy diskettes, backup media, CD-Roms, DVD-Roms, Zip disks, optical disks, printer buffers, smart cards, memory calculators, electronic dialers, Bernoulli drives, or electronic notebooks

(f) "Group registrant" means a school or other entity primarily serving minors who registers 1 or more contact points on behalf of its minor constituency.

(g) "Internet domain name" means a registered and easily identifiable alias for a globally unique, hierarchical numerical reference to an Internet host or service, assigned through centralized Internet authorities, comprising a series of character strings separated by periods.

(h) "Minor" means an individual under the age of 18 years.

February 1, 2005

- (i) “Person” means an individual, corporation, association, partnership, or any other legal entity.
- (j) “Prohibited message” means any message, whether direct or indirect, with the primary purpose of advertising or presenting, or otherwise linking to a message that advertises or presents, a product or service that a minor is prohibited by law from purchasing, viewing, possessing, participating in, or otherwise receiving. This includes, but is not limited to, sexually explicit materials, tobacco products, illegal drugs, gambling opportunities, and alcoholic beverages.
- (k) “Protect MI Child Act” means the Michigan Children’s Protection Registry Act, 2004 PA 241, MCL 752.1061 to 752.1068.
- (l) “Registry” or “Protect MI Child Registry” means the child protection registry created under section 3 of 2004 PA 241, MCL 752.1063.
- (m) “Responsible party” means a parent, guardian, individual, or group registrant who is responsible for a contact point to which a minor may have access.
- (n) “Sender” means any person who conveys, seeks to convey, or attempts to convey, directly or indirectly, a prohibited message.
- (o) “State” means the state of Michigan.
- (p) “Vendor” means a third-party administrator who operates the Protect MI Child Registry and related services under contract to the state of Michigan.
- (q) “Website” means a particular company, user, or organization's HTML pages collectively accessible on the World Wide Web through a web server. A website is accessible through a unique Internet address or uniform resource locator (URL).

R 484.502 Accessibility of registry through secure website.

Rule 2. (a) All registrations, including amendments, renewals, and deletions related thereto, shall be made through 1 or more secure and encrypted websites to be established and operated by the department or under contract to the department.

(b) Transactions for both registrants and senders shall be accommodated through the department’s website.

R 484.503 Registrants.

Rule 3. A responsible party may register a contact point with the department under these rules.

R 484.504 Registration process and required information.

Rule 4. (1) A responsible party may register contact points by the following means:

- (a) The preferred method of registration shall be through the department website.
- (b) Group registrants may also register by other means as determined by the department.
- (c) If a responsible party chooses to register using an alternative medium, which may include digital media, approved by the department, then the information that is submitted shall be entered into the department website for official registry.
- (2) The following are required fields for information on minors submitted by individual registrants:
  - (a) The following fields for the following contact points shall be provided:
    - (i) Electronic mail address or addresses.
    - (ii) Telephone phone number or numbers including mobile, pager, and facsimile.
    - (iii) Instant message identity.
    - (iv) Other information required to adequately identify the contact point.
  - (b) Birth date.
  - (c) Submission date and time stamp.

(3) The following are required fields for information on the responsible party who submits an individual registration:

- (a) Full name.
- (b) Mailing address.
- (c) Telephone number or numbers at which the party can be contacted.
- (d) Electronic mail address.
- (4) A responsible party may, as an individual registrant, submit entries for up to 15 children.
- (5) The following are required fields for information on minors submitted by group registrants:

(a) Fields for the following contact points shall be provided:

- (i) Electronic mail address or addresses.
- (ii) Telephone phone number or numbers including mobile, pager, and facsimile.
- (iii) Internet domain name if entire suffix is to be blocked.
- (iv) Instant message identity.
- (v) Other information required to adequately identify the contact point.
- (b) Birth date or cohort year.
- (c) Submission date and time stamp.

(6) The following are required fields for information on the responsible party who submits a group registration:

- (a) Full name.
- (b) Title.
- (c) Organization name.
- (d) Mailing address.
- (e) Telephone numbers where the party may be contacted.
- (f) Electronic mail address.

#### R 484.505 Tenure of registration.

Rule 5. Registered contact points shall be valid for 3 years, or until the year a minor or cohort turns 18, whichever comes sooner. The department may establish a shorter tenure of registration if necessary to improve registry operations or services.

#### R 484.506 Options for group registrants.

Rule 6. Group registrants may register 1 or more contact points with the department. Group registrants shall have all of the following options:

- (a) Register individual contact points for all group members.
- (b) Register an entire Internet domain name suffix.
- (c) Register group members in cohorts.

#### R 484.507 Confirmation of registration.

Rule 7. (1) Before the registration is complete and entered into the database, a confirmation message shall be sent to the responsible party and contact points.

- (2) The content of the confirmation message shall be determined by the department.
- (3) Confirmation messages shall be sent via electronic mail whenever possible.

#### R 484.508 Renewals of registered contact points.

Rule 8. (1) The department shall offer a convenient process for renewals that provides for uninterrupted listing in the registry of contact points to which minors have access.

(2) The department may require that confirmation of renewals be provided to responsible parties and contact points.

(3) Responsible parties may renew their registrations through the same business channels offered for the original registration.

R 484.509 Amendments and deletions.

Rule 9. (1) Amendments to contact point or registrant information shall be accommodated upon request of the responsible party who initially requested registration of a contact point.

(2) Unless renewed, contact points shall automatically be deleted from the registry when the affected minor or cohort reaches the age of 18, or after 3 years, whichever comes sooner.

(3) Early deletion of registered contact points shall be accommodated upon request of any of the following:

- (a) The responsible party who initially requested registration of the contact point.
- (b) The owner of an address that is erroneously listed as a contact point in the registry.
- (c) The department based upon such additional criteria as it may establish.

R 484.510 Mechanism for verification of sender compliance.

Rule 10. (1) No sender or other person, except as designated by the department, may obtain access to the Protect MI Child Registry until payment is received.

(2) A sender shall verify compliance with the Protect MI Child Registry by comparing the lists of contact points for all those to whom the sender wishes to send prohibited messages through the secure system established by the department. The privacy of lists submitted by senders shall be taken into consideration by the department in establishing the configuration requirements for the verification system.

(3) Senders shall not use, sell, or disclose any list of registered contact points that they may be derived or obtained through use of the registry or by any other means.

(4) Both of the following apply to confirmation of sender subscription to registry:

(a) Senders shall be provided with confirmation of their subscription following acceptance of their payment.

(b) Senders shall receive informational materials regarding their obligations under the Protect MI Child Act with the confirmation of their subscription.

R 484.511 Fees.

Rule 11. (1) A registry sign-up fee or charge shall not be assessed to a person registering a contact point with the department.

(2) Both of the following apply to a registry access fee:

(a) Senders shall be charged a fee to access the registry.

(b) The vendor creating the registry system shall propose a fee schedule. That fee schedule shall not exceed 3 cents per contact point checked against the registry, for each time a contact point is checked against the registry. In determining the appropriate fee schedule, the department shall judge vendor submissions which encourage the largest number of compliant senders.

R 484.512 Revenue collection.

Rule 12. (1) The department shall establish and administer a revenue account in the state treasury for the Children's Protection Registry Fund, in accordance with section 4 of the Protect MI Child Act.

(2) The department shall determine revenue collection form and arrangements. The revenue collection process may be limited to electronic transactions.

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**NOTICE OF PUBLIC HEARING**

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**ORR # 2004-048  
DEPARTMENT OF LABOR AND ECONOMIC GROWTH  
NOTICE OF PUBLIC HEARING  
Michigan Children's Protection Registry Rules**

**Wednesday, March 2, 2005  
1:30 p.m.; Hearing Room A  
Michigan Public Service Commission  
6545 Mercantile Way; Lansing, Michigan**

The Department of Labor and Economic Growth will hold a public hearing to receive public comments on rules being promulgated under Public Act 241 of 2004. The act requires the Department to establish and operate a child protection registry on which a person or school may register contact points (i.e. e-mail addresses, instant message addresses, pager numbers, faxes, etc.) to which a minor may have access. The act is designed to combat messages that are being presented to Michigan minors through electronic and wireless devices.

The rules [ORR # 2004-048] are published on the Michigan Government web site at <http://www.michigan.gov/orr> and in the March 1 issue of the *Michigan Register*. Comments may be submitted to the following address by 5:00 P.M. on March 4, 2005. These rules will take effect on July 1, 2005.

Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Department of Labor and Economic Growth  
Office of Policy and Legislative Affairs  
Norene Lind  
PO Box 30004  
Lansing, MI 48909  
Phone: 517/241-4580 FAX: 517/241-9822 E-mail: [nlind@michigan.gov](mailto:nlind@michigan.gov)

The hearing site is accessible, including handicap parking. People with disabilities requiring additional accommodations in order to participate in the hearing (such as information in alternative formats) should contact the Department at 517/241-4580 at least 14 days prior to the hearing date.

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**PROPOSED ADMINISTRATIVE RULES**

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**ORR # 2004-050**

**DEPARTMENT OF LABOR AND ECONOMIC GROWTH**

**DIRECTOR'S OFFICE**

**OCCUPATIONAL HEALTH STANDARDS**

Filed with the Secretary of State on

These rules take effect immediately upon filing with the Secretary of State

(By authority conferred on the director of the department of labor and economic growth by sections 14 and 24 of 1974 PA 154 and Executive Reorganization Order Nos. 1996-1, 1996-2, and 2003-18, MCL 408.1014, 408.1024, 330.3101, 445.2001, and 445.2011)

R 325.52001, R 325.52002, R 325.52003, R 325.52004, R 325.52005, R 325.52006, R 325.52007, R 325.52008, R 325.52009, R 325.52010, R 325.52011, R 325.52012 of the Michigan Administrative Code are added as follows:

**PART 520. VENTILATION CONTROL**

R 325.52001 Scope; applicability; replacement of O.H. rules.

Rule 1. (1) These rules apply to all processes and places of employment.

(2) These rules replace O.H. rule 3101.

R 325.52002 Reference of standards.

Rule 2. The following Michigan occupational safety and health standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Labor and Economic Growth, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at web-site: [www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards). For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) Part 301. Air Contaminants, R 325.51101 et seq.

(b) Part 526. Open Surface Tanks, Rule 3220 et seq.

(c) Part 528. Spray Finishing Operations, Rule 3235 et seq.

R 325.52003 Definitions.

Rule 3. As used in these rules:

(a) "Aerosol" means particulate matter suspended in air.

(b) "Contaminant" means an airborne material capable of causing occupational disease or significant physiological disturbances to a person, and includes but is not limited to, the substances listed in Part 301. Air Contaminants, R 325.51101 et seq.

(c) "Control" means the limitation of worker exposure to contaminant levels not exceeding the exposure limits as set forth in Part 301. Air Contaminants, R 325.51101 et seq.

- (d) "Controlled process" means an arrangement of equipment to control the contaminant by means of suitable design measures.
- (e) "Enclosure" means a room, booth, or exhaust hood that confines contaminants at their sources.
- (f) "Gas" means a normally formless fluid which occupies a space or enclosure and which can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature, or both.
- (g) "General ventilation" means the supply and removal of air from a space to dilute or remove contaminants.
- (h) "Local exhaust ventilation system" means an arrangement of exhaust hoods, ducts, and fans that removes air to control a contaminant at its source.
- (i) "Mg/m<sup>3</sup>" means milligrams of particulate per cubic meter of air.

January 7, 2005

- (j) "Mppcf" means millions of particulates per cubic foot of air based on impinger samples counted by light field microscopic techniques.
- (k) "Ppm" means parts of vapor or gas per million parts of air by volume at 25 degrees Celsius and 760 millimeters of mercury pressure.
- (l) "Permissible exposure limits" means the exposure limits as set forth in Part 301. Air Contaminants, R 325.51101 et seq.
- (m) "Process space" means a tunnel, process equipment, shaft, or enclosed space.
- (n) "Source" means a process or equipment which releases a contaminant into the air in concentrations exceeding the permissible exposure limits.
- (o) "Supply ventilation system" means an arrangement of inlet openings or equipment to introduce outside air into the working environment.
- (p) "Vapor" means the gaseous state of a substance.

R 325.52004 Control methods for enclosures and controlled processes.

Rule 4. (1) An employer shall ensure that an enclosure is provided at a stationary source unless the omission of the enclosure does not impair control.

(2) A controlled process shall be designed and regulated to prevent the creation of a hazard to health or life. If the director determines that there may be an immediate danger to health or life due to the failure of the process design or regulatory device, then he or she may require that the process fail-safe in such manner to avert the hazard.

R 325.52005 Supply ventilation systems.

Rule 5. (1) A supply ventilation system shall be provided to ensure a flow of air into the working environment to equally replace the volume of air exhausted.

(2) A mechanical air supply system shall be provided if its absence will result in building negative pressures sufficient to cause backdrafting of vents from fuel-fired equipment or ineffective control.

(3) Mechanical air supply volumes shall be heated to maintain a minimum air temperature of 65 degrees Fahrenheit measured at the point of air discharge to the space. Exceptions to this requirement are refrigerated storage rooms, special process rooms, and similar locations where low air temperatures are essential to the preservation of the product or service, or, if in the opinion of the director, a lower air temperature will not be harmful to the health of the persons affected.

(4) Make-up air for spray-finishing operations shall be as prescribed in Part 528. Spray-Finishing Operations, O.H. rule 3235(9) Make-up air.

(5) Make-up air for open surface tanks shall be as prescribed in Part 526. Open-surface Tanks, O.H. rule 3220(8)(c).



R 325.52006 Direct-fired air heaters.

Rule 6. (1) A direct-fired air heater, wherein combustion products are released in the supply air stream, may be installed in buildings of industrial occupancy, garages, laundries, and commercial kitchens. They shall not be installed in offices, schools, hospitals, and places of public assembly.

(2) A direct-fired air heater shall have an inlet duct connected directly to the out-of-doors. Room air shall not be circulated across the burner.

(3) A direct-fired air heater shall deliver air which contains not more than 10 ppm of carbon monoxide and is free from odors of combustion products. Permissible concentrations of other contaminants in the delivered air may be established by the director pursuant to their permissible exposure limits and the degree of exposure to a person.

(4) The air volume supplied to the building by a direct-fired air heater shall not exceed 110% of the total air volume exhausted. The director may require interlocking of a heater control system with an exhaust ventilation system if necessary to ensure that the exhaust systems are operating.

(5) A direct-fired air heater shall have both of the following:

(a) A pre-ignition purge of fresh air.

(b) A positive fuel supply closure in the event of fuel supply failure, ignition failure, flame failure, power failure or interruption, or air flow reduction below 50% of its rated capacity.

R 325.52007 Exhaust ventilation systems.

Rule 7. The minimum rate of exhaust ventilation for places of manufacturing, processing, assembling, maintenance and repair, or storage of material shall be 1 cubic foot of air per minute per square foot of floor area. This amount of exhaust ventilation may be provided by local exhaust, general exhaust, or both. The director may permit a variance if contaminant control is accomplished at a lesser rate of ventilation.

R 325.52008 Local exhaust ventilation.

Rule 8. (1) Local exhaust ventilation shall be provided at all stationary sources. The director may allow a variance from this subrule if control is accomplished with general ventilation.

(2) If a local exhaust system is used, then the exhaust air volume shall create an indraft air volume at an enclosure, hood, duct, or fan sufficient to control the contaminant.

(3) A local exhaust system shall be designed to capture and control the contaminant. Distribution of exhaust air between various exhaust points may be accomplished by balanced duct design. If balancing gates are used, they shall be locked permanently in place after final adjustment.

(4) The design and construction of a local exhaust ventilation system shall be adequate for the contaminant and conditions of service. A listing of practical ventilation texts and references shall be available from the director upon request. Technical information and experience regarding specific contaminants and control measures may be obtained from the director.

R325.52009 General ventilation systems.

Rule 9. A general ventilation system may be used for contaminant control. The ventilation air volume shall be sufficient to dilute the airborne contaminant to levels not exceeding the permissible exposure limits.

R 325.52010 Exhaust system discharge locations.

Rule 10. The discharge locations of local exhaust or general exhaust systems shall not permit exhausted air to re-enter a workroom or other buildings directly, or indirectly, through air supply systems without substantial dilution.

R 325.52011 Recirculation of air from exhaust systems.

Rule 11. (1) The recirculation of air containing a contaminant whose permissible exposure limit is equal to or exceeds 1000 ppm, 15 mg/m<sup>3</sup>, or 50 mppcf, shall be permitted if the exhaust ventilation system is equipped with an air-cleaning device capable of reducing the contaminant concentrations to 10% or less of their permissible exposure limits in the returned air.

(2) The director may allow the recirculation of air containing a contaminant whose permissible exposure limit is less than 1000 ppm, 15 mg/m<sup>3</sup>, or 50 mppcf, if the toxicity of the contaminant and the degree of air cleaning to be achieved create an environment which will not impair the health of the workers, and if the contaminant concentrations in the return air shall not exceed 10% of its permissible exposure limits.

(3) A recirculation system shall include an alternate air duct connection to discharge the return air outside of the building if necessary to protect the workers' health.

(4) Spray-finishing operations using flammable and combustible materials shall be as prescribed in Part 528. Spray-Finishing Operations, O.H. rule 3235(6)(j) Air exhaust.

R 325.52012 Air pollution control.

Rule 12. A local exhaust and general exhaust ventilation system shall comply with rules adopted by the Michigan Department of Environmental Quality, R 336.1101 to R 336.1910.

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**PROPOSED ADMINISTRATIVE RULES**

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**ORR # 2004-052**

**DEPARTMENT OF LABOR AND ECONOMIC GROWTH**

**DIRECTOR'S OFFICE**

**MANUFACTURED HOUSING**

**PART 3. FEES**

Filed with the Secretary of State on  
These rules take effect immediately upon filing with the Secretary of State of Michigan

(By authority conferred on the director of the department of ~~consumer and industry services~~ **labor and economic growth** by ~~sections 4, 5, 9, 22 to 24, and 38 of~~ 1987 PA 96, MCL **125.2301** ~~//125.2304, 125.2305, 125.2309, 125.2321 to 125.2324, 125.2327, 125.2338,~~ and Executive Reorganization Order Nos. 1996-2 and **2003-1**, MCL 445.2001 and **445.2011**)

R 125.1305 and R 125.1315 of the Michigan Administrative Code are amended as follows:

R 125.1305 Community license; renewal.

Rule 305. (1) Each applicant for a community license or for a license renewal shall make application for the license or the license renewal on a form provided by the department. Except for a seasonal community, the nonrefundable fee for the annual license is ~~\$/75.00~~ **\$/100.00**, plus an additional ~~\$/4.00~~ **\$/5.00** for each home site in excess of 25 home sites in the community. For a seasonal community, the nonrefundable fee for the annual license is ~~\$/40.00~~ **\$/75.00**, plus an additional ~~50 cents~~ **\$/1.00** for each home site in excess of 25 home sites in the community.

(2) The fee shall be submitted with the application to the department.

R 125.1315 Community construction and conversion fees.

Rule 315. (1) The following nonrefundable fees shall accompany the documents submitted under R 125.1905 for new community construction or for expansion of an existing licensed community ~~///~~.

(a) ~~The fee for an~~ **A** application for plans approval and a permit to construct ~~shall be~~ ~~///~~ **\$/185.00** **\$/250.00** plus an additional ~~\$/4.00~~ **\$/5.00** for each home site over 25 home sites, to a maximum of ~~\$/1,000.00~~ **\$/1,500.00**.

(b) ~~The fee for an~~ **A** application for an extension of a permit to construct ~~shall be~~ ~~///~~ **\$/185.00** **\$/250.00** plus an additional **\$/5.00** for each home site over 25 home sites, to a maximum of **\$/1,500.00**.

A nonrefundable fee of ~~\$/505.00~~ **\$/525.00**, plus an additional ~~\$/4.00~~ **\$/5.00** for each home condominium home site over 25 home sites, that is to be constructed, shall accompany the documents that are submitted for the construction of a new home condominium or the expansion of an existing home condominium.

(3) For an existing community that converts to a home condominium, ~~with an increase in the number of home sites within the community~~ ~~///~~ the accompanying nonrefundable fee shall be ~~\$/505.00~~ **\$/525.00**,

plus an additional \$~~4.00~~/**5.00** for each home condominium home site over 25 home sites, to a maximum of \$~~1,480.00~~/**2,000.00**.

(4) A nonrefundable fee of \$~~50.00~~/**250.00** **plus an additional \$5.00 for each home site over 25 home sites, to a maximum of \$1,500.00**, shall accompany an application for a permit to construct that is submitted under ~~the provisions of R 125.1950~~.

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**NOTICE OF PUBLIC HEARING**

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**ORR# 2004-052  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
BUREAU OF CONSTRUCTION CODES AND FIRE SAFETY  
NOTICE OF PUBLIC HEARING**

**Manufactured Housing Fee Rules (ORR# 2004-052 LG)**

The Department of Labor & Economic Growth, Bureau of Construction Codes and Fire Safety, will hold a public hearing on March 3, 2005, at 1:30 p.m., 2501 Woodlake Circle, Okemos, MI 48864, in conference room 3, 1<sup>st</sup> floor. These rules will become effective when filed with the Secretary of State.

The public hearing is to receive public comments on the proposed amendments to the administrative rules. The proposed rules will increase fees for community licensing, community construction, and conversion fees, bringing manufactured housing fees in line with current costs absorbed by the Bureau. The hearing is being conducted by the authority conferred on the director of the Department of Labor and Economic Growth by 1987 PA 96, MCL 125.2301 et seq. and Executive Reorganization Order Nos. 1996-2 and 2003-1, MCL 445.2001 and 445.2011.

The proposed rules are published in the *Michigan Register*. Copies of the proposed Michigan amendments to the Manufactured Housing Rules may be obtained for a fee of \$2.00 by submitting a check or money order, made payable to the State of Michigan, to the Bureau at the address below. You may download a free copy of the proposed amendments by visiting our website at [www.michigan.gov/bccfs](http://www.michigan.gov/bccfs). The amendments are located under the What's New section.

Oral or written comments may be presented in person at the hearing on March 3, 2005, or submitted in writing by mail, e-mail, or facsimile no later than 5:00 p.m., March 10, 2005. If your presentation is in written form, please provide a copy to the court reporter at the conclusion of your testimony.

Department of Labor & Economic Growth  
Bureau of Construction Codes and Fire Safety  
Office of Administrative Services  
P.O. Box 30254  
Lansing, MI 48909  
Telephone (517) 335-2972  
Facsimile (517) 241-9570  
[smmatsu@michigan.gov](mailto:smmatsu@michigan.gov)

Be sure all cellular telephones and pagers are turned off or set to vibrate during the hearing.

The meeting site is accessible, including handicapped parking. People with disabilities requiring additional accommodations in order to participate in the meeting should call Holly Velez at 517-335-2972 (voice) or 517-322-5987 (TTY) at least 14 work days prior to the hearing.

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**CORRECTION OF OBVIOUS  
ERRORS IN PUBLICATION**

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*MCL 24.256(1) states in part:*

*“Sec. 56. (1) The office of regulatory reform shall perform the editorial work for the Michigan register and the Michigan Administrative Code and its annual supplement. The classification, arrangement, numbering, and indexing of rules shall be under the ownership and control of the office of regulatory reform, shall be uniform, and shall conform as nearly as practicable to the classification, arrangement, numbering, and indexing of the compiled laws. The office of regulatory reform may correct in the publications obvious errors in rules when requested by the promulgating agency to do so...”*

**CORRECTION OF OBVIOUS  
ERRORS IN PUBLICATION**

**ORR # 2003-015**

**Department of Labor and Economic Growth**

**Construction Code**

**January 24, 2005**

Mr. Brian Devlin, Director  
DMB, Office of Regulatory Reform  
2nd Floor; Mason Building  
Lansing, MI 48933

Dear Brian:

Staff has detected errors in the following rules, as indicated in bold print below. This rule set becomes effective on February 28, 2005.

**PART 10  
MICHIGAN UNIFORM ENERGY CODE**

R 408.31070 Heating energy analysis comparison report.

Rule 1070. Sections N1107.1, N1107.1.1, N1107.2, abbreviated report form N1107.1, and table N1107.1 are added to the code to read as follows:

N1107.1 Heating energy analysis comparison report. A heating energy comparison report shall be submitted to the code official to include both of the following information:

1. A basic description of the proposed alternate building design and any exceptions to the standard design criteria.
2. Abbreviated report form N1107.1, comparing the alternative house design with a standard design house complying with the provisions of this chapter through the systems analysis method.

Abbreviated Report Form N1107.1  
Heating Energy Analysis Comparison Report

Builder=s Name:

Project Address:

City/Township/County:

PROPOSED ALTERNATIVE HOUSE		STANDARD DESIGN HOUSE	
ROOF/CEILING (INC. SKYLIGHTS)	SUBTOTALS	ROOF/CEILING (INC. SKYLIGHTS)	SUBTOTALS
A <sub>1</sub> ____ /R <sub>1</sub> ____ = A <sub>1</sub> /R <sub>1</sub> ____			
A <sub>2</sub> ____ /R <sub>2</sub> ____ = A <sub>2</sub> /R <sub>2</sub> ____			
A <sub>3</sub> ____ /R <sub>3</sub> ____ = A <sub>3</sub> /R <sub>3</sub> ____			
<div> <div></div> <div>A<sub>1</sub> /R<sub>1</sub> + A<sub>2</sub> /R<sub>2</sub> + A<sub>3</sub> /R =</div> </div>			
Total Roof/Ceiling Area	Line 1	<div> <div></div> <div>x 0.0204 =</div> <div>(all zones)</div> </div>	Line A
GROSS WALL		GROSS WALL	

<p>Opaque Wall (Does not include band joist, windows, doors, etc.)</p> <p><math>A_1 \quad /R_1 \quad = \quad A_1 /R_1 \quad</math></p> <p><math>A_2 \quad /R_2 \quad = \quad A_2 /R_2 \quad</math></p> <p><math>A_1 /R_1 + A_2 /R_2 =</math></p> <p style="text-align: right;">Line 2</p>		
<p>Band Joist</p> <p><math>A \quad /R \quad = \quad A /R \quad =</math></p> <p style="text-align: right;">Line 3</p>		
<p>Fenestration and Doors, Windows</p> <p><math>A_1 \quad /R_1 \quad = \quad A_1 /R_1 \quad</math></p> <p><math>A_2 \quad /R_2 \quad = \quad A_2 /R_2 \quad</math></p> <p><math>A_3 \quad /R_3 \quad = \quad A_3 /R_3 \quad</math></p> <p><math>A_1 /R_1 + A_2 /R_2 + A_3 /R_3 =</math></p> <p style="text-align: right;">Line 4</p>		
<p>Doors</p> <p><math>A_1 \quad /R_1 \quad = \quad A_1 /R_1 \quad</math></p> <p><math>A_2 \quad /R_2 \quad = \quad A_2 /R_2 \quad</math></p> <p><math>A_1 /R_1 + A_2 /R_2 =</math></p> <p style="text-align: right;">Line 5</p>		
<p>Other</p> <p><math>A \quad /R \quad = \quad A /R \quad =</math></p> <p style="text-align: right;">Line 6</p>		
<p>Total Gross Wall Area</p> <p style="text-align: right;">Line 6</p>		
<p>GROSS WALL SUBTOTAL A/R (Lines: 2+3+4+5+6)</p> <p style="text-align: right;">Line 7</p>	<p>Total Gross Wall Area</p>	<p><math>\times 0.093 =</math> (all zones)</p> <p style="text-align: right;">Line B</p>

Abbreviated Report Form N1107.1

Heating Energy Analysis Comparison Report  
Continued

FOUNDATION/FLOOR	SUBTOTALS	FOUNDATION/FLOOR	SUBTOTALS
<p>Floors Over Unconditioned Spaces</p> <p><math>A \quad /R \quad = \quad A /R \quad =</math></p> <p style="text-align: right;">Line 8</p>		<p>Floors Over Unconditioned Spaces</p> <p><math>\times 0.0204 =</math> (all zones)</p> <p style="text-align: right;">Line C</p>	
<p>Slab on Grade Floors (Area = Perimeter x 2')</p> <p><math>A \quad /R \quad = \quad A /R \quad =</math></p> <p style="text-align: right;">Line 9</p>		<p>Slab on Grade (Unheated)</p> <p><math>\times Z_1 0.0909</math> <math>Z_2 0.0769 =</math></p> <p style="text-align: right;">Line D</p>	



		$Z_3 0.050$ Slab on Grade (Heated) $\frac{Z_1 0.0769}{Z_2 0.0667} =$ Total Slab Edge Area $Z_3 0.050$	Line E
Crawl Space Walls (Area: Top foundation wall to average finished grade) $A \quad /R \quad = A/R \quad =$	Line 10	Crawl Space $\quad \times 0.050 =$ Total Crawl Space Wall Area (all zones)	Line F
Basement Walls (Area: Top foundation wall to average finished grade) $A_1 \quad /R_1 \quad = A_1 /R_1 \quad$ $A_2 \quad /R_2 \quad = A_2 /R_2 \quad$ $A_1 /R_1 + A_2 /R_2 =$	Line 11	Basement Walls $\quad \times Z_2 0.090 =$ Total Gross Basement Wall Area $Z_3 0.055$	Line G
Basement Windows $A \quad /R \quad = A/R \quad =$	Line 12		
Total Gross Basement Wall Area			
FOUNDATION/FLOOR SUBTOTAL A/R (Lines: 8+9+10+11+12)	Line 13	FOUNDATION/FLOOR SUBTOTAL A/R (Lines: C+D+E+F+G)	Line H
PROPOSED ALTERNATIVE HOUSE SUB-TOTAL A/R (Lines: 1+7+13)	Line 14	STANDARD DESIGN HOUSE SUB-TOTAL A/R (Lines: A+B+H)	Line I
HEATING EQUIPMENT EFFICIENCY (If the same as Standard House, go to line 16 or 17) (Oil or Gas Fired) AFUE: $\quad\%$ Line 14: $\quad =$ Adjusted A/R = AFUE: $0.\quad$	Line 15	HEATING EQUIPMENT EFFICIENCY (Oil or Gas Fired) AFUE: 78% Line I: $\quad =$ Adjusted A/R = AFUE: 0.78	Line J
AIR LEAKAGE RATE (If the same as Standard House, go to line 17) $\quad \text{ACH} \times \quad \text{ft}^3 \times$ $0.018 =$ Air Changes per Hour      Volume of House	Line 16	AIR LEAKAGE RATE $0.55 \text{ ACH} \times \quad \text{ft}^3 \times 0.018 =$ Volume of House	Line K
PROPOSED ALTERNATIVE HOUSE TOTAL (Lines: 15+16)		STANDARD DESIGN LIMIT TOTAL (Lines: J+K)	

Equal to or less than line L to pass	Line 17	(Lines: J+K)	Line L
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**Action and rationale:** Under Foundation Floors; Floors Over Unconditioned Spaces multiplier **0.0204** should be **0.0476**. Using the multiplier as printed will create an incorrect result when calculating for the proper R-value of insulation to be used for the construction to comply with the intent of the code. The version of the energy code that went to public hearing had the correct multiplier.

Table N1107.1  
Alternative Standard Design Constants (1/r) for Systems Analysis Approach

Heating Degree Days	6000 – 6499	6500 – 6999	7000 – 7499	7500 – 7999	8000 – 8499	8500 – 8999	9000 +
Roof/Ceiling	0.0204	0.0204	0.0204	0.0204	0.0204	0.0204	0.0204
Gross Wall	0.093	0.093	0.093	0.093	0.093	0.093	0.093
Foundation/floor Floor over unconditioned space	<b>0.0204</b>	<b>0.0204</b>	<b>0.0204</b>	<b>0.0204</b>	<b>0.0204</b>	<b>0.0204</b>	<b>0.0204</b>
Slab on grade Unheated slab	0.0909	0.0909	0.0769	0.0769	0.0769	0.050	0.050
Heated Slab	0.0769	0.0769	0.0667	0.0677	0.0667	0.050	0.050
Crawl space	0.05	0.05	0.05	0.05	0.05	0.05	0.05
Basement wall	0.0909	0.0909	0.0909	0.0909	0.0909	0.0555	0.0555

**Action and rationale:** Under Foundation Floors; Floors Over Unconditioned Spaces multiplier **0.0204** should be **0.0476**. This needs to match the multiplier found in the Abbreviated Report Form N1107.1 to achieve proper calculation of R values for insulation. As printed, the multiplier calls for a higher R value than necessary resulting in the use of more insulation and a higher building cost. Correcting the figure in both the Abbreviated Report form and table will result in a more realistic use of insulating materials and reduce the up front building costs.

**(Michigan Residential Code)**

TABLE N1102.1  
SIMPLIFIED PRESCRIPTIVE BUILDING ENVELOPE THERMAL COMPONENT CRITERIA MINIMUM REQUIRED THERMAL PERFORMANCE (U-FACTOR AND R-VALUE)

Exterior Enclosure		Zones		
		1	2	3
Wall Assemblies		R-21	R-21	R-21
Fenestration/Openings (area weighted average of the total area of fenestration units) <sup>1</sup>		U = 0.35 (R= 2.85)		
Roof/Ceiling Assemblies <sup>2</sup>		R-49	R-49	R-49
Floors over unconditioned spaces		R-21	R-21	R-21
<b><u>Slab on grade construction<sup>3</sup></u></b>		R-11, 4 ft.	R-13, 4ft	R-18, 4ft
Crawl space walls <sup>4</sup>		R-20	R-20	R-20
Basement walls	Continuous Insulation	R-10	R-10	R-15

		Cavity Insulation	R-11	R-11	R-19
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<sup>1</sup> Fenestration units are required to meet this standard for the entire unit.

<sup>2</sup> Skylight U (1/R) factors are required to meet the fenestration requirements set forth in this table for fenestration/openings. Skylights are limited to 10% of the gross roof/ceiling area.

<sup>3</sup> See section N1102.1.6 for additional installation criteria.

<sup>4</sup> See section N1102.1.7 for additional installation criteria.

**Action & Rationale:** Upon adoption of the International Residential Code, this table was amended for use in Michigan. The original version of Table N1102.1 found in the International Residential Code includes the distance designation. When the table was amended for the Michigan code the distance designation of **4 ft** was inadvertently left out of the table. The distance of **4 ft** needs to be added to the “zone” information for ‘slab on grade construction’ to correspond to the installation criteria in the related section N1102.1.6. Without this distance information it will be difficult for contractors and builders to comply with the intent of the code.

**(International Residential Code Table)**

**TABLE N1102.1  
SIMPLIFIED PRESCRIPTIVE BUILDING ENVELOPE THERMAL COMPONENT CRITERIA  
MINIMUM REQUIRED THERMAL PERFORMANCE (U-FACTOR AND R-VALUE)**

BUILDING LOCATION		MAXIMUM GLAZING GLAZING U-FACTOR [Btu / (hr ft <sup>2</sup> °F)]	MINIMUM INSULATION R-VALUE [(hr ft <sup>2</sup> °F) / Btu]					
Climate Zone	HDD		Ceilings	Walls	Floors	Basement walls	Slab perimeter R-value and depth /	Crawl space walls
1	0-499	Any	R-13	R-11	R-11	R-0	R-0	R-0
2	500-999	0.90	R-19	R-11	R-11	R-0	R-0	R-4
3	1,000-1,499	0.75	R-19	R-11	R-11	R-0	R-0	R-5
4	1,500-1,999	0.75	R-26	R-13	R-11	R-5	R-0	R-5
5	2,000-2,499	0.65	R-30	R-13	R-11	R-5	R-0	R-6
6	2,500-2,999	0.60	R-30	R-13	R-19	R-6	R-4, 2 ft.	R-7
7	3,000-3,499	0.55	R-30	R-13	R-19	R-7	R-4, 2 ft.	R-8
8	3,500-3,999	0.50	R-30	R-13	R-19	R-8	R-5, 2 ft.	R-10
9	4,000-4,499	0.45	R-38	R-13	R-19	R-8	R-5, 2 ft.	R-11
10	4,500-4,999	0.45	R-38	R-16	R-19	R-9	R-6, 2 ft.	R-17
11	5,000-5,499	0.45	R-38	R-18	R-19	R-9	R-6, 2 ft.	R-17
12	5,500-5,999	0.40	R-38	R-18	R-21	R-10	R-9, 4 ft.	R-19
13	6,000-6,499	0.35	R-38	R-18	R-21	R-10	R-9, 4 ft.	R-20
14	6,500-6,999	0.35	R-49	R-21	R-21	R-11	<b>R-11, 4 ft.</b>	R-20
15	7,000-8,499	0.35	R-49	R-21	R-21	R-11	<b>R-13, 4 ft.</b>	R-20
16	8,500-8,999	0.35	R-49	R-21	R-21	R-18	<b>R-14, 4 ft.</b>	R-20
17	9,000-12,999	0.35	R-49	R-21	R-21	R-19	<b>R-18, 4 ft.</b>	R-20

For SI: 1 Btu/(hr·ft<sup>2</sup>·°F) = 5.68W/m<sup>2</sup>·K, 1 (hr·ft<sup>2</sup>·°F)/Btu = 0.176m<sup>2</sup>·K/W.

Per MCL 24.256, we are requesting the corrections above be made and published in the *Michigan Register* and the *Michigan Administrative Code*.

If you have any questions about this transmittal, please contact me at 241-4580.

Sincerely,

Norene Lind, Regulatory Affairs Officer  
MDLEG, Office of Policy and Legislative Affairs

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**OPINIONS OF THE  
ATTORNEY GENERAL**

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*MCL 14.32 states in part:*

*“It shall be the duty of the attorney general, when required, to give his opinion upon all questions of law submitted to him by the legislature, or by either branch thereof, or by the governor, auditor general, treasurer or any other state officer”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\*       \*       \*

*(j) Attorney general opinions. ”*

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**OPINIONS OF THE ATTORNEY GENERAL**

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STATE OF MICHIGAN

MIKE COX, ATTORNEY GENERAL

EDUCATION: Eligibility for state school aid under  
Postsecondary Enrollment Options Act  
SCHOOLS AND SCHOOL DISTRICTS:

A school district may receive state school aid funds for a student who is enrolled in high school for a fifth year and is attending classes at a postsecondary institution under the Postsecondary Enrollment Options Act, provided that the student is enrolled in at least one high school class in at least grade 11 and has achieved the endorsements required under section 3(f) of the act.

Opinion No. 7168

January 28, 2005

Honorable Lisa Wojno  
State Representative  
The Capitol  
Lansing, MI 48909

You have asked if a school district may receive state school aid funds for a student who is enrolled in high school for a fifth year and is attending classes at a postsecondary institution under the Postsecondary Enrollment Options Act.

The Postsecondary Enrollment Options Act (PSEOA), 1996 PA 160, MCL 388.511 *et seq.*, was enacted to provide a wider variety of options to high school students "by encouraging and enabling qualified pupils to enroll in courses or programs in eligible postsecondary institutions," commonly called "dual enrollment." MCL 388.512. Information received with your request indicates that a school district is encouraging students to remain in high school for an additional year so that they can participate in the dual enrollment program and earn college credits at state expense.

The purpose of the PSEOA is clear. In providing for the education of children in Michigan, the Legislature has increased the academic options for high school students who have reached certain levels of achievement by authorizing the use of state school aid funds to pay tuition and other "eligible charges" to state universities, community colleges, or certain private universities or colleges located in Michigan, thus enabling those students to enroll in courses or programs not offered at the high school by the school district.<sup>1</sup> MCL 388.512; MCL 388.513(c) (defining "eligible charges"); MCL 388.1621b. See OAG, 1995-1996, No 6872, p 99 (September 19, 1995).

To take courses under the PSEOA, a student must be an "eligible student," which is defined in section 3(f) of the PSEOA, in relevant part, as:

[E]xcept as otherwise provided in this subdivision, *a student enrolled in at least 1 high school class in at least grade 11 in a school district in this state*, except a foreign exchange pupil enrolled in a school district under a cultural exchange program. Until the 2006-2007 school year, to be an eligible student a student must have achieved state endorsement in all subject areas under section 1279 of the revised school code, 1976 PA 451, MCL 380.1279. However, if the student has not achieved state endorsement in all subject areas under that section, the student is an eligible student only for the limited purpose of enrolling in 1 or more eligible courses under this act in a subject area for which he or she has achieved state endorsement, in computer science or foreign language not

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<sup>1</sup> The payment of state school aid funds that may be used for tuition and other eligible charges is based on a formula set out in section 4(5) of the PSEOA, MCL 388.514(5). The payment may not necessarily cover the entire cost, in which case the student is responsible for the difference.

offered by the school district, or in fine arts as permitted by the school district. [MCL 388.513(f); emphasis added.]<sup>1</sup>

The primary rule of statutory construction is to effectuate the intent of the Legislature:

The foremost rule, and our primary task in construing a statute, is to discern and give effect to the intent of the Legislature. This task begins by examining the language of the statute itself. The words of a statute provide "the most reliable evidence of its intent . . . ." If the language of the statute is unambiguous, the Legislature must have intended the meaning clearly expressed, and the statute must be enforced as written. . . . Only where the statutory language is ambiguous may a court properly go beyond the words of the statute to ascertain legislative intent. [*Sun Valley Foods v Ward*, 460 Mich 230, 236; 596 NW2d 119 (1999); citations omitted.]

The language of the PSEO is unambiguous. Students may enroll in courses or programs in eligible postsecondary institutions if they are enrolled in at least one high school class in at least grade 11 in a school district in this state and have achieved the required endorsements.

In the situation you describe, a school district is encouraging students to remain in high school for a fifth year for the purpose of qualifying as an eligible student under the PSEO so that they may attend courses at postsecondary institutions that are paid for with state funds. Nothing in the statutory language precludes this. These students meet the statutory definition of eligible student if they are enrolled in at least one high school class in at least grade 11 and have achieved the required endorsements.<sup>2</sup>

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<sup>1</sup> Beginning in the 2006-2007 school year, to be eligible to participate in the program under this act, a student who has not taken the Michigan merit examination must have achieved a qualifying score in all subject areas on a "readiness assessment" as defined in section 3(j) of the PSEO and a student who has taken the Michigan merit examination must have achieved a qualifying score in all subject areas on that examination. "However, if the student has not achieved a qualifying score in all subject areas on a readiness assessment or the Michigan merit examination, as applicable for the student, the student is an eligible student only for the limited purpose of enrolling in 1 or more eligible courses under this act in a subject area for which he or she has achieved a qualifying score, in computer science or foreign language not offered by the school district, or in fine arts as permitted by the school district." [MCL 388.513(f).]

<sup>2</sup> The State School Aid Act of 1979 provides that a school district may only claim state school aid funds for pupils who are properly counted in membership in the district. MCL 388.1701. To be counted in membership, except in the case of special education students, a pupil must be less than 20 years of age on September 1 of the school year. MCL 388.1606(4)(l).



It is my opinion, therefore, that a school district may receive state school aid funds for a student who is enrolled in high school for a fifth year and is attending classes at a postsecondary institution under the Postsecondary Enrollment Options Act, provided that the student is enrolled in at least one high school class in at least grade 11 and has achieved the endorsements required under section 3(f) of the act.

MIKE COX  
Attorney General

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Additionally, the Legislature has provided that an individual who has obtained a high school diploma or a general education development (GED) certificate shall not be counted in membership. MCL 388.1606(4)(m).



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(b) 2% of the gross receipts received by the person subject to tax under subsection (1)(b) from the leasing or rental of motor vehicles for periods of less than 30 consecutive days. [MCL 207.752(2)(b).]

Generally, each tax has an object (generally a privilege or property), a measure (e.g., gross receipts, income, value), and is incident upon a person or property. Where the terms of a statute, including a tax measure, are plain, specific, and unambiguous, there is no occasion to "construe" its provisions. They must be enforced as written. In doubtful cases, i.e., those involving ambiguity, the law is construed liberally in favor of taxpayers. *R C Mahon Co v Dep't of Revenue*, 306 Mich 660, 666; 11 NW2d 280 (1943). See also *Bechtel Power Corp v Dep't of Treasury*, 128 Mich App 324, 329; 340 NW2d 297 (1983), citing *Ecorse Screw Machine Products v Corporation and Securities Comm*, 378 Mich 415, 418; 145 NW2d 46 (1966). The scope of a tax measure should not be extended by implication or forced construction. *Garavaglia v Michigan Dep't of Revenue*, 338 Mich 467, 471; 61 NW2d 612 (1953); *Detroit v Norman Allan & Co*, 107 Mich App 186, 191; 309 NW2d 198 (1981). But neither should the measure be so narrowly construed as to defeat the purposes for which it was enacted, raising revenue for public purposes. See *In re Brackett Estate*, 342 Mich 195, 205; 69 NW2d 164 (1955), quoted with approval in *Michigan Bell Telephone Co v Dep't of Treasury*, 445 Mich 470, 477-478; 518 NW2d 808 (1994).

The tax involved in your question is an excise tax imposed upon the privilege of engaging in the business of leasing or renting motor vehicles to others. The tax is incident upon those operating such businesses.

The Act defines neither "leasing" nor "rental" of motor vehicles. But, significantly, the only businesses falling within the scope of section 2(1)(b) of the Act are those that rent or lease vehicles "of which delivery is made in the eligible municipality."

Words used in a statute must be construed and understood according to the common and approved usage of the language, taking into account the context in which the words are used. MCL 8.3a; *Western Michigan Univ Bd of Control v State*, 455 Mich 531, 539; 565 NW2d 828 (1997). Technical words and those that have acquired a peculiar and appropriate meaning in the law, however, must be construed according to that peculiar and appropriate meaning. MCL 8.3a. Consulting dictionary definitions is appropriate to learn the common and approved usage of the language. *Stanton v Battle Creek*, 466 Mich 611, 617; 647 NW2d 508 (2002).

The most relevant conventional meaning of the word "delivery" given the context of section 2(1)(b) of the Act is "a giving or handing over; transfer." *Webster's New World Dictionary*, 3<sup>rd</sup> College Edition (1988), p 365. *Black's Law Dictionary*, Revised 4<sup>th</sup> Edition (1968) offers the following definition: "The tradition or transfer of the possession of personal property from one person to another."

The Act contemplates only those transactions in which the person takes "delivery" of the motor vehicle "in the eligible municipality." When hiring the services of a taxi, bus, or limousine, a person does not take "delivery" of the vehicle within the common and approved meaning of the word. The owner or operator of the vehicle does not surrender possession and control to the patron or transfer the vehicle in any way. Nor has research disclosed any definition of the term "leasing" or "rental" that would support the view that a person using a limousine, taxi, or bus service either "rents" or "leases" the vehicles involved.

This distinction between transactions involving the hiring of a taxi, bus, or limousine service and those involving the rental or leasing and delivery of a vehicle is drawn by the Department of Treasury in administering provisions of the General Sales Tax Act, 1933 PA 167, MCL 205.51 *et seq.*, and the Use Tax Act, 1937 PA 94, MCL 205.91 *et seq.* These statutes afford those in the business of leasing or renting tangible personal property the option of remitting use tax (based on lease or rental receipts) rather than paying the sales tax on such items at the time the lessor purchases them.

The General Sales Tax Act imposes a tax on retailers based on the gross receipts realized from the sale at retail of items of tangible personal property. The sales tax is typically collected from the purchaser. The use tax is imposed upon the use, storage, and consumption of items of tangible personal property upon which a sales tax has not been paid. Were the purchaser to pay sales tax in conjunction with the purchase of motor vehicles to be used for lease to others, 6% of the purchase price would be paid at the time of purchase. The Use Tax Act, section 5(4), however, provides:

A lessor may elect to pay use tax on receipts from the rental or lease of the tangible personal property in lieu of payment of sales or use tax on the full cost of the property at the time it is acquired. [MCL 205.95(4).]

In a letter ruling dated July 1, 1988 (LR 1988-17),<sup>1</sup> the Acting Commissioner of Revenue for the Michigan Department of Treasury distinguished the leasing of motor vehicles from the chartering of transportation services:

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<sup>1</sup> The Department of Treasury Revenue Administrative Bulletin, RAB 1989-34, explaining its issuance of bulletins and letter rulings, states:

The Michigan Revenue Act empowers the Department of Treasury to periodically issue bulletins that index and explain state tax laws. (See MCL 205.3(f).) The purpose of this Bulletin is to establish the general procedures for issuing Bulletins and Letter Rulings as position statements of the Bureau of Revenue. These documents are to provide guidance to persons regarding the proper interpretation and application of Michigan tax laws administered by the Bureau of Revenue.

You have inquired about the difference between a charter and a lease of tangible personal property.

When an individual leases tangible personal property, that person has full control of the property. For instance, when an individual leases a vehicle, he may drive that vehicle wherever he chooses. He pays a daily rate, etc., but he has full control over where that vehicle is driven. The lessor of the vehicle may elect to pay Michigan sales tax on the acquisition of the vehicle or collect and remit Michigan use tax on the rental receipts under Michigan's Specific Sales and Use Tax Rules, 1979 AC, R 205.132.

On the other hand, when an individual charters a boat and captain for a day of fishing, for example, the individual does not have total control of the vessel. This would also be true of a person who purchases an airline ticket, or a ticket for a tour of the Soo Locks. The owner or provider is in control. He is providing a service to his customers. As a person who provides a service, he must pay sales tax on the purchase of all tangible personal property used to provide his service.

Under the Stadia and Convention Act, a similar distinction is warranted between motor vehicles leased or rented to others, with complete possession and control delivered to the lessee, and those instances where a person engages the services of a taxi cab, limousine, or bus operated by a chauffeur<sup>1</sup> or other authorized vehicle operator.

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A Letter Ruling is a formal document setting forth the position of the Commissioner of Revenue on specific tax matters. It is issued to taxpayers by the Commissioner of Revenue, or designee of the Commissioner, in response to a particular tax issue. Letter Rulings help to promote uniform application of tax laws throughout the State by Bureau of Revenue personnel and to provide guidance to taxpayers. A Letter Ruling is prospective in nature. It provides a taxpayer with assurance regarding the tax ramification of a future transaction. The Department is bound by a Letter Ruling only for the specific transaction and only for the tax period indicated. Letter Rulings are available to the public upon request.

The powers and duties of the Commissioner of Revenue have been transferred by Type III transfer to the State Treasurer by Executive Reorganization Order 1991-16, as codified at MCL 205.35.

<sup>1</sup> "Chauffeur" is defined by the Motor Vehicle Code, section 6(1), as:

- (a) A person who operates a motor vehicle as a motor common carrier of property or a motor contract carrier of property as defined in section 1(f) and (h) of the motor carrier act, 1933 PA 254, MCL 475.1, or a motor carrier of passengers as defined in section 3 of the motor bus transportation act, 1982 PA 432, MCL 474.103.
- (b) A person who is employed for the principal purpose of operating a motor vehicle with a GVWR of 10,000 pounds or more.
- (c) A person who operates a bus or school bus.
- (d) A person who operates a taxi.

It is my opinion, therefore, that companies that provide limousine, taxi, or bus services are not "engaged in the business of leasing or rental of motor vehicles of which delivery is made" and, accordingly, are not subject to the tax imposed under the Michigan Stadium and Convention Act, MCL 207.751 *et seq.*

MIKE COX  
Attorney General

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(e) A person who operates a limousine as defined by section 3 of the limousine transportation act, 1990 PA 271, MCL 257.1903 [MCL 257.6(1)(a)-(e)].

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**OPINIONS OF THE ATTORNEY GENERAL**

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STATE OF MICHIGAN

MIKE COX, ATTORNEY GENERAL

MICHIGAN VEHICLE CODE:                      Responsibility for preparing accident  
reports

ACCIDENT REPORTING:

Section 622 of the Michigan Vehicle Code, MCL 257.622, requires a police officer who receives a report of an accident involving a motor vehicle to prepare and forward a report of the accident to the Director of the Department of State Police on prescribed forms, if the accident results in death or injury or if the officer reasonably believes that property was damaged to an apparent extent totaling \$1,000 or more.

Opinion No. 7170

February 7, 2005

Honorable Rick Shaffer  
State Representative  
The Capitol  
Lansing, MI

You ask if section 622 of the Michigan Vehicle Code, MCL 257.622, requires a police officer to prepare a motor vehicle accident report where the officer reasonably believes that the accident involves less than \$1,000 in damage to property. Your question suggests a need for guidance involving the duty of a police officer to prepare a report when there is a disagreement between the officer and the driver of the vehicle regarding whether the value of the property damage involved is less than \$1,000.

Michigan law requires the driver of a motor vehicle involved in an accident to report the accident if: (1) a person is injured; (2) a person is killed; or (3) there is apparent property damage of at least \$1,000:

The driver of a motor vehicle involved in an accident that injures or kills any person, or that damages property to an apparent extent totaling \$1,000.00 or more, shall



immediately report that accident at the nearest or most convenient police station, or to the nearest or most convenient police officer. [MCL 257.622.]

Section 622 further requires a police officer to prepare and forward a report of a reportable accident to the Director of the Department of State Police, who is responsible for compiling the information received:

The officer receiving the report, or his or her commanding officer, shall immediately forward each report to the director of the department of state police on forms prescribed by the director of the department of state police. The forms shall be completed in full by the investigating officer. The director of the department of state police shall analyze each report relative to the cause of the reported accident and shall prepare information compiled from reports filed under this section for public use. [MCL 257.622.]

Moreover, section 622 requires the police agency to maintain a copy of the report for at least three years:

A copy of the report under this section and copies of reports required under section 621 shall be retained for at least 3 years at the local police department, sheriff's department, or local state police post making the report. [MCL 257.622.]

Section 621 of the Michigan Vehicle Code, MCL 257.621, is the corresponding reporting provision for a driver who causes damage to "fixtures" on or adjacent to the highway, such as guardrails, signs, or light poles. MCL 257.621 does not contain a minimum property value damage requirement for reporting purposes. Thus, under MCL 257.621 and 257.622, the Department of State Police is required to compile information regarding accidents for public use.

The text of MCL 257.622 does not make clear whether the police officer may make an independent assessment of the damage to property involved in the accident or whether the judgment of the driver who makes the report is determinative on this point. Where an ambiguity exists, it is proper to effectuate the Legislature's intent by giving statutory language a reasonable construction that best accomplishes the purpose and object of the statute. *Frankenmuth Mutual Ins Co v Marlette Homes, Inc.*,

456 Mich 511, 515; 573 NW2d 611 (1998). The purpose of MCL 257.622 is to apprise the police that an accident has occurred and to provide statistical information concerning the number and causes of accidents. *People v Schmidt*, 196 Mich App 104, 107; 492 NW2d 509 (1992), citing *People v Morgan*, 24 Mich App 604, 606; 180 NW2d 508 (1970).

Section 622 of the Vehicle Code imposes two distinct duties. The first is on the motorist to notify the police of any accident involving a death, injury, or apparent damage to property totaling at least \$1,000. A violation of this provision is a misdemeanor under section 901 of the Vehicle Code, MCL 257.901. *Schmidt*, 196 Mich App at 105, n 1. The second duty is imposed on the responding officer to forward each report to the Director of the Department of State Police on "forms prescribed" by the Director. The form currently in use, commonly referred to as the "UD-10," instructs the reporting officer that the criteria for a reportable crash are that the accident "resulted in death, injury, or property damage of \$1,000 or more (effective January 1, 2004)." [UD-10 Traffic Crash Report Instruction Manual, 2004 Edition, p 11.]

When the Vehicle Code was originally enacted in 1949, no reporting threshold for property damage existed. Instead, the law required a report to be made whenever a vehicle involved in an accident was "incapable of being propelled in the usual manner." 1949 PA 300. The law was amended in 1967 to require a report whenever the property damage caused by the accident totaled \$200 or more. 1967 PA 3. In subsequent years, the statute was amended to increase the property damage threshold reporting amount to \$400 and then to the present \$1,000 in 2003 PA 66.

According to the House Fiscal Agency Legislative Analysis of the bill that was passed into law as 2003 PA 66, the problem that 2003 PA 66 was apparently enacted to address was that the former

\$400 reporting amount threshold did not reflect inflation or the rising costs of new automobiles. To the extent individuals were required to report relatively minor "fender benders" or low impact accidents, police officers were filling out accident reports that would not have been required had the rate of inflation been factored into the threshold. The testimony received at the hearings on the bill and an identical predecessor bill demonstrated that it had become increasingly evident that police officers' time and resources could be better spent on more important public safety issues. Moreover, testimony indicated that the "police can give people an alternate accident reporting number to submit to their insurance companies for insurance purposes, so raising the property damage threshold would not mean that people involved in low impact auto accidents would have greater difficulty in substantiating their auto insurance claims." House Legislative Analysis, HB 4238, March 26, 2003, p 2.

Information that you supplied with your request suggests that section 622 should not be read to authorize a responding officer to decline to complete a traffic accident report if the driver estimates the value of property damage involved to be \$1,000 or more, even if the officer reasonably estimates the damage is less than \$1,000. To best effectuate the purpose and object of section 622, however, it is important to recall that two separate and distinct duties are identified in this section – the duty of the driver to alert authorities to an accident and the duty of the officer to assure that accidents meeting certain criteria are accounted for in a system designed to collect statistical data used to enhance public safety. These purposes would not be served by requiring an officer to prepare and forward a report where the informed and experienced judgment of that officer is that damage of less than \$1,000 is involved. Relieving officers of the time and expense of completing forms in relatively minor low impact accidents is exactly what the higher threshold reporting amount was enacted to accomplish.

With respect to the driver's duty to report the accident in the first instance, on the other hand, the estimation of property damage is one reasonably vested in the driver alone, particularly where the driver assumes the risk of prosecution for failure to report the accident if the threshold reporting amount is later determined to have been met. See *Schmidt*, 196 Mich App at 108 (driver's conviction overturned where record failed to show proof that damage to vehicle met threshold amount and extent of damage was apparent).

Additional support for this interpretation is found in the language of section 622 providing that the report is to be compiled on "forms prescribed by the director of the department of state police." The Legislature has left the manner in which the accident data is to be collected and the content of the forms to the sound discretion of the Director. It would be unreasonable to define the officer's duty to fill out the UD-10 form as one involving the mere repetition of the driver's statements, at least with respect to data involving independent observation of conditions or circumstances.<sup>1</sup> It is the product of what the officer is told and what the officer observes that constitutes the "report" that the officer has a duty to forward to the Director. The officer necessarily exercises discretion and is not bound by the statements of the reporting driver in determining whether a report must be forwarded to the Director.

It is my opinion, therefore, that section 622 of the Michigan Vehicle Code, MCL 257.622, requires a police officer who receives a report of an accident involving a motor vehicle to prepare and forward a report of the accident to the Director of the Department of State Police on prescribed forms, if the accident results in death or injury or if the officer reasonably believes that property was damaged to an apparent extent totaling \$1,000 or more.

MIKE COX  
Attorney General

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<sup>1</sup> For example, among the information included on the UD-10 is the type of road involved, whether the accident involved alcohol or special circumstances, the location of the greatest damage to the vehicle, the extent of damage, and the weather.

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**ENROLLED SENATE AND HOUSE BILLS  
SIGNED INTO LAW OR VETOED  
(2005 SESSION)**

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*Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”*

*Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\* \* \*

*(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.*

*(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”*

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**ENROLLED SENATE AND HOUSE BILLS  
SIGNED INTO LAW OR VETOED  
(2005 SESSION)**

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
1	4802		Yes	12-Feb	12-Feb	2/12/2004	<b>Communications</b> ; telecommunications; prohibited conduct with regard to telecommunications access; clarify a potential unintended consequence. <b>(Rep. J. Koetje)</b>
2	4916		Yes	12-Feb	12-Feb	2/12/2004	<b>Criminal procedure</b> ; sentencing guidelines; prohibited conduct with regard to telecommunications access; amend. <b>(Rep. J. Koetje)</b>
3	4236		Yes	17-Feb	18-Feb	7/1/2004	<b>Occupations</b> ; individual licensing and regulation; respiratory therapists; provide for licensure. <b>(Rep. S. Ehardt)</b>
4	5244		Yes	19-Feb	19-Feb	12/31/2003	<b>Property tax</b> ; personal property; special tools; revise definitions. <b>(Rep. M. Middaugh)</b>
5	4340		Yes	20-Feb	20-Feb	2/20/2004	<b>Retirement</b> ; public school employees; eligibility date for employment of retirant in a reporting unit; revise. <b>(Rep. B. Caswell)</b>
6	4659		Yes	20-Feb	20-Feb	2/20/2004	<b>Law enforcement</b> ; local police; definition of medical first responder; revise. <b>(Rep. C. DeRoche)</b>
7	4965		Yes	20-Feb	20-Feb	2/20/2004	<b>Insurance</b> ; health; transferring of patients before stabilization; prohibit. <b>(Rep. S. Ehardt)</b>
8	4966		Yes	20-Feb	20-Feb	2/20/2004	<b>Insurance</b> ; health care corporations; transferring patients before stabilization; prohibit. <b>(Rep. L. Wojno)</b>

\* - I.E. means Legislature voted to give the Act immediate effect.

\*\* - Act takes effect on the 91<sup>st</sup> day after *sine die* adjournment of the Legislature.

\*\*\* - See Act for applicable effective date.

+ - Line item veto

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
9		334	Yes	26-Feb	26-Feb	2/26/2004	<b>Transportation</b> ; funds; transferring funds from major street fund to local street fund without limitation of matching funds from local entity; allow. ( <b>Sen. M. Switalski</b> )
10	4276		Yes	26-Feb	26-Feb	2/26/2004	<b>Holidays</b> ; Holocaust remembrance week in the state of Michigan; establish. ( <b>Rep. M. Shulman</b> )
11	5009		Yes	26-Feb	26-Feb	2/26/2004	<b>Counties</b> ; boards and commissions; membership on the county committee of veterans' affairs; revise. ( <b>Rep. J. Hoogendyk</b> )
12	5129		Yes	26-Feb	26-Feb	6/1/2004	<b>Courts</b> ; juries; procedures for selecting persons for jury service; revise. ( <b>Rep. J. Howell</b> )
13	5179		Yes	26-Feb	26-Feb	2/26/2004	<b>Elections</b> ; polling places; polling places outside of township boundaries; allow under certain circumstances. ( <b>Rep. G. Newell</b> )
14		826	Yes	26-Feb	26-Feb	2/26/2004	<b>Counties</b> ; employees and officers; certain provisions relating to the board of county auditors for the county of Saginaw; repeal. ( <b>Sen. M. Goschka</b> )
15		801	Yes	4-Mar	4-Mar	3/4/2004	<b>State</b> ; publications; number of paper copies of the public and local act books; reduce. ( <b>Sen. J. Allen</b> )
16		275	Yes	4-Mar	4-Mar	3/4/2004	<b>Economic development</b> ; renaissance zones; extending boundaries of an existing renaissance zone in the city of Coldwater; provide for. ( <b>Sen. C. Brown</b> )
17		780	Yes	4-Mar	4-Mar	3/4/2004	<b>Economic development</b> ; local development financing; urban township definition; modify. ( <b>Sen. N. Cassis</b> )

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
18	5183		Yes	4-Mar	4-Mar	3/4/2004	<b>Human services</b> ; children's services; foster care youth networks; establish. <b>(Rep. J. Stahl)</b>
19	4887		Yes	4-Mar	4-Mar	6/2/2004	<b>Traffic control</b> ; accidents; authorized emergency vehicles; include road service vehicle under certain circumstances. <b>(Rep. J. Pastor)</b>
20		681	Yes	4-Mar	4-Mar	3/4/2004	<b>Criminal procedure</b> ; preliminary examination; witness testimony by telephonic, voice, or video conferencing; allow. <b>(Sen. D. Cherry)</b>
21		512	Yes	9-Mar	10-Mar	1/1/2005 #	<b>Cemeteries and funerals</b> ; other; preneed cemeteries and merchandise services; provide for under the prepaid funeral act. <b>(Sen. L. Toy)</b>
22		513	Yes	9-Mar	10-Mar	1/1/2005 #	<b>Cemeteries and funerals</b> ; other; transferring preneed sales to combined act; provide for and make certain revisions. <b>(Sen. L. Toy)</b>
23		800	Yes	10-Mar	10-Mar	3/10/2004	<b>Administrative procedure</b> ; rules; use of electronic transmission of certain records and notices; provide for. <b>(Sen. J. Allen)</b>
24	5154		Yes	10-Mar	10-Mar	3/10/2004	<b>Environmental protection</b> ; toxic substances or products; uses of pesticides at schools and day care centers; revise notice provisions. <b>(Rep. E. Gaffney)</b>
25		842	Yes	15-Mar	16-Mar	6/14/2004	<b>Crimes</b> ; other; purchasing, selling, possessing, or using a portable signal preemption device; prohibit and provide penalties. <b>(Sen. T. Stamas)</b>

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
26		843	Yes	15-Mar	16-Mar	6/14/2004 #	<b>Criminal procedure</b> ; sentencing guidelines; sentencing guidelines for crime of buying, selling, possessing, or using a portable signal preemption device; enact. (Sen. J. Gilbert)
27		703	Yes	15-Mar	16-Mar	3/16/2004	<b>Watercraft; personal</b> ; types of personal flotation devices children age 12 and under must wear when riding on or being towed behind a personal watercraft; expand to include type III. (Sen. M. McManus)
28		588	Yes	15-Mar	16-Mar	9/16/2004	<b>Insurance</b> ; health; provision for timely payment of health care benefits; expand to include home health care providers and durable medical equipment providers. (Sen. S. Johnson)
29	4352		Yes	19-Mar	22-Mar	3/22/2004	<b>Vehicles</b> ; snowmobiles; headlight lens caps; prohibit. (Rep. S. Shackleton)
30	4675		Yes	19-Mar	22-Mar	3/22/2004	<b>Occupations</b> ; dental hygienists; nitrous oxide analgesia administration; allow under certain circumstances and provide for assistance and monitoring by dental assistants fulfilling certain requirements. (Rep. B. Vander Veen)
31	4871		Yes	19-Mar	22-Mar	7/1/2004	<b>Civil procedure</b> ; costs and fees; statutory attorney fees in landlord-tenant eviction and land contract forfeiture actions; revise. (Rep. R. Jamnick)
32	5199		Yes	19-Mar	22-Mar	6/30/2004	<b>Criminal procedure</b> ; pretrial procedure; release of individual convicted of criminal sexual conduct against minor on bail pending sentencing or appeal; prohibit. (Rep. L. Drolet)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
33	5266		Yes	19-Mar	22-Mar	3/22/2004	<b>Retirement</b> ; state employees; banked leave time program; implement. <b>(Rep. P. Condino)</b>
34		498	Yes	26-Mar	29-Mar	3/29/2004 #	<b>Environmental protection</b> ; solid waste; prohibited products in landfills; expand to include beverage containers and whole tires. <b>(Sen. P. Birkholz)</b>
35		497	Yes	26-Mar	29-Mar	3/29/2004 #	<b>Environmental protection</b> ; solid waste; beverage container; define. <b>(Sen. S. Thomas)</b>
36		57	Yes	26-Mar	29-Mar	3/29/2004	<b>Environmental protection</b> ; solid waste; transportation or disposal of waste posing threat to health, safety, or environment; authorize department of environmental quality director to prohibit by order. <b>(Sen. M. Bishop)</b>
37		502	Yes	26-Mar	29-Mar	3/29/2004 #	<b>Environmental protection</b> ; landfills; jurisdictions with landfill disposal prohibition at least as restrictive as Michigan's; require department of environmental quality to prepare list of. <b>(Sen. N. Cassis)</b>
38		506	Yes	26-Mar	29-Mar	3/29/2004 #	<b>Environmental protection</b> ; landfills; out-of-state or out-of-country waste; prohibit unless prohibited waste has been removed or the other state or province has solid waste stream standards as stringent as Michigan's. <b>(Sen. B. Patterson)</b>
39		557	Yes	26-Mar	29-Mar	3/29/2004 #	<b>Environmental protection</b> ; landfills; waste received and remaining disposal capacity; require landfills to report. <b>(Sen. L. Brater)</b>

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
40	5234		Yes	26-Mar	29-Mar	3/29/2004 #	<b>Environmental protection</b> ; landfills; out-of-state waste; establish requirements for disposal of. <b>(Rep. D. Acciavatti)</b>
41		500	Yes	26-Mar	29-Mar	3/29/2004 #	<b>Environmental protection</b> ; solid waste; subsequent violations of solid waste law; provide for increased fines. <b>(Sen. D. Olshove)</b>
42	5235		Yes	26-Mar	29-Mar	3/29/2004 #	<b>Environmental protection</b> ; solid waste; items prohibited from landfill disposal; require solid waste haulers to notify customers of. <b>(Rep. D. Robertson)</b>
43		499	Yes	26-Mar	29-Mar	3/29/2004	<b>Environmental protection</b> ; landfills; inspections of landfills; enhance. <b>(Sen. A. Sanborn)</b>
44		715	Yes	26-Mar	29-Mar	3/29/2004 #	<b>Environmental protection</b> ; solid waste; solid waste management plan; revise authorized contents of. <b>(Sen. J. Gilbert)</b>
45	5386		Yes	1-Apr	1-Apr	4/1/2004	<b>Property</b> ; conveyances; certain state owned property in Jackson county; provide for transfer between state departments. <b>(Rep. C. Bisbee)</b>
46	4178		Yes	1-Apr	1-Apr	10/1/2003	<b>Law enforcement</b> ; peace officers; survivor benefits for certain public safety officers killed in the line of duty; provide. <b>(Rep. S. Shackleton)</b>
47	4706		Yes	1-Apr	1-Apr	4/1/2004	<b>Records</b> ; medical; medical records access act; create. <b>(Rep. B. Vander Veen)</b>
48	4755		Yes	1-Apr	1-Apr	4/1/2004 #	<b>Health</b> ; medical records; sanctions for violation of medical records access act; provide for. <b>(Rep. B. Vander Veen)</b>

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
49	4707		Yes	1-Apr	1-Apr	4/1/2004	<b>Traffic control</b> ; parking; individuals authorized to issue citations to violators who illegally park in a handicapped parking space; expand. <b>(Rep. J. Voorhees)</b>
50	5279		Yes	1-Apr	1-Apr	*** #	<b>Retirement</b> ; state police; health advance funding, IRS changes; implement. <b>(Rep. F. Accavitti Jr.)</b>
51	5476		Yes	1-Apr	1-Apr	4/1/2004	<b>Education</b> ; employees; procedures and standards for summary suspension of teacher's certificate or state board approval of a person who has been convicted of certain crimes; revise. <b>(Rep. C. DeRoche)</b>
52	4308		Yes	1-Apr	1-Apr	5/1/2004	<b>Traffic control</b> ; violations; waiver of fine, costs, and assessments for certain no proof of insurance violations; provide for. <b>(Rep. J. Garfield)</b>
53	5200		Yes	7-Apr	8-Apr	4/8/04	<b>Holidays</b> ; "Willie Horton Day"; establish. <b>(Rep. R. Richardville)</b>
54	5117		Yes	12-Apr	12-Apr	4/12/04	<b>Health</b> ; testing; electronic laboratory reporting of blood lead testing; require. <b>(Rep. S. Ehardt)</b>
55	5119		Yes	12-Apr	12-Apr	4/12/04	<b>Human services</b> ; medical services; childhood lead screening by health professionals, facilities, and health maintenance organizations of certain children; require. <b>(Rep. C. Williams)</b>
56	5280		Yes	12-Apr	12-Apr	4/12/04	<b>Education</b> ; employees; requiring school employees to remain in or search a school when a bomb threat is made; prohibit unless certain training has been provided. <b>(Rep. C. Ward)</b>

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
57	4179		Yes	12-Apr	12-Apr	4/12/04	<b>Senior citizens</b> ; health; refund of application fee for individuals not enrolled in the EPIC program and certain additional eligibility criteria for the EPIC program; provide for. (Rep. S. Shackleton)
58	5104		Yes	12-Apr	12-Apr	6/11/04	<b>Crimes</b> ; homicide; penalties for certain vulnerable adult abuse; include as felony murder. (Rep. W. Van Regenmorter)
59	5184		Yes	12-Apr	12-Apr	8/1/04	<b>Human services</b> ; adult foster care; adult foster care facilities; prohibit employment of individuals with certain criminal history and require facilities to conduct criminal history check for new employees. (Rep. G. Woronchak)
60	5344		Yes	12-Apr	12-Apr	4/12/04	<b>Economic development</b> ; enterprise zones; neighborhood enterprise zone expansion to include exemption for certain homes; provide for. (Rep. A. Hardman)
61		189	Yes	12-Apr	12-Apr	4/12/04	<b>Occupations</b> ; social workers; social workers meeting certain requirements; license. (Sen. B. Hammerstrom)
62	5120		Yes	12-Apr	13-Apr	*** #	<b>Crimes</b> ; drunk driving; crime of operating a vehicle with bodily content of certain controlled substances; revise to reflect. (Rep. W. Van Regenmorter)
63		637	Yes	12-Apr	13-Apr	9/1/04 #	<b>Liquor</b> ; drinking age; definition of possession as presence of alcohol in the body under certain circumstances; clarify and modify penalties. (Sen. T. George)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
64		337	Yes	20-Apr	20-Apr	4/20/04 #	<b>Housing</b> ; other; requirement for class "A" multiple dwellings to be equipped with a fire alarm system; provide for. ( <b>Sen. S. Johnson</b> )
65		742	Yes	20-Apr	20-Apr	4/20/04 #	<b>Construction</b> ; code; requirement for the installation of smoke detectors in certain buildings and structures; provide for under certain circumstances. ( <b>Sen. S. Johnson</b> )
66		338	Yes	20-Apr	20-Apr	4/20/04	<b>Economic development</b> ; downtown development authorities; requirement for equipping a historic site with a fire alarm system; provide for. ( <b>Sen. S. Johnson</b> )
67		339	Yes	20-Apr	20-Apr	4/20/04	<b>State</b> ; historic sites; requirement for building, facility, or structure in a proposed historic district to be equipped with a fire alarm system; provide for. ( <b>Sen. M. Bishop</b> )
68		702	Yes	20-Apr	20-Apr	4/20/04	<b>Children</b> ; adoption; residency requirement for adoptive parents; revise. ( <b>Sen. B. Hammerstrom</b> )
69		1020	Yes	20-Apr	20-Apr	4/20/04	<b>Higher education</b> ; financial aid; fiscal year payment of Michigan merit award money; revise. ( <b>Sen. S. Johnson</b> )
70		1017	Yes	20-Apr	20-Apr	4/20/04 #	<b>Traffic control</b> ; other; driver education subsidies; eliminate, and transfer responsibility for certain driver education programs to the department of state. ( <b>Sen. R. Emerson</b> )

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
71		1018	Yes	20-Apr	20-Apr	4/20/04 #	<b>Traffic control</b> ; other; driver education subsidies; eliminate and redirect fees to traffic law enforcement safety fund. ( <b>Sen. R. Emerson</b> )
72	4929		Yes	20-Apr	20-Apr	4/20/04	<b>Environmental protection</b> ; water pollution; disclosure procedures for discharges of untreated or partially treated sewage; require for privately owned sewer systems. ( <b>Rep. C. Ward</b> )
73	5087		Yes	20-Apr	20-Apr	4/20/04	<b>Education</b> ; students; students possessing and using epinephrine auto-injector or epinephrine inhaler at school; allow under certain circumstances. ( <b>Rep. M. Shulman</b> )
74		635	Yes	21-Apr	21-Apr	4/21/04	<b>Health facilities</b> ; homes for the aged; waiver of age limitation for residency in a home for the aged; provide for under certain circumstances. ( <b>Sen. B. Hammerstrom</b> )
75		1014	Yes	21-Apr	21-Apr	4/21/04	<b>Environmental protection</b> ; other; agricultural preservation fund; modify administrative cap. ( <b>Sen. R. Emerson</b> )
76		1016	Yes	21-Apr	21-Apr	4/21/04	<b>Education</b> ; teachers; uses of teacher certification fees; expand and provide for transfer from teacher-administrator preparation and certification fund. ( <b>Sen. R. Emerson</b> )
77		1019	Yes	21-Apr	21-Apr	4/21/04	<b>Taxation</b> ; revenue sharing; revenue sharing percentage; revise and provide for withholding of payments in certain circumstances. ( <b>Sen. R. Emerson</b> )

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
78		106	Yes	21-Apr	21-Apr	4/21/04	<b>State</b> ; symbol; lotus blossom; designate as state symbol for clean water. ( <b>Sen. B. Hammerstrom</b> )
79	4472		Yes	21-Apr	21-Apr	4/21/04	<b>Property tax</b> ; exemptions; definition of "eligible distressed area"; revise. ( <b>Rep. A. Lipsey</b> )
80	5445		Yes	21-Apr	22-Apr	4/22/04	<b>Single business tax</b> ; credit; references to Michigan economic growth authority act; modify and require certain reports. ( <b>Rep. W. Huizenga</b> )
81		824	Yes	21-Apr	22-Apr	4/22/04 #	<b>Economic development</b> ; Michigan economic growth authority; revisions to the authority board and other general amendments; provide. ( <b>Sen. J. Allen</b> )
82		1013	Yes	22-Apr	22-Apr	4/22/04	<b>State</b> ; escheats; certain unclaimed property by insurance companies; subject to 2-year escheat period and modify publication requirements. ( <b>Sen. M. Schauer</b> )
83		1021	Yes	22-Apr	22-Apr	4/22/04 #	<b>Retirement</b> ; state police; DROP program; implement. ( <b>Sen. C. Brown</b> )
84	5365		Yes	22-Apr	22-Apr	4/22/04	<b>Counties</b> ; employees and officers; provision relating to voting procedures for members of the board of supervisors of Saginaw county; repeal. ( <b>Rep. J. Howell</b> )
85	5641		Yes	22-Apr	22-Apr	4/22/04	<b>Counties</b> ; boards and commissions; procedure for relocation of county seat; revise. ( <b>Rep. D. Palsrok</b> )

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
86		1032	Yes	22-Apr	22-Apr	4/22/04	<b>Higher education</b> ; generally; certain investment information provided to state institutions of higher education; exempt from disclosure. ( <b>Sen. V. Garcia</b> )
87		990	Yes	22-Apr	22-Apr	4/22/04	<b>Civil procedure</b> ; statute of limitations; provision regarding tolling of statute of limitations; revise to include that a copy of the summons and complaint be served upon the defendant within the time set forth in the supreme court rules. ( <b>Sen. M. Bishop</b> )
88		612	Yes	22-Apr	22-Apr	4/22/04	<b>Public utilities</b> ; consumer services; waiver from requirements of the code of conduct for utility appliance service programs; provide for. ( <b>Sen. L. Toy</b> )
89		1015	Yes	22-Apr	22-Apr	4/22/04	<b>Law enforcement</b> ; communications; 9-1-1 funding for state police towers; provide for. ( <b>Sen. D. Cherry</b> )
90		560	Yes	22-Apr	22-Apr	4/22/04	<b>Environmental protection</b> ; groundwater contamination; groundwater discharge permit fees; enact. ( <b>Sen. B. Leland</b> )
91		252	Yes	22-Apr	22-Apr	4/22/04	<b>Environmental protection</b> ; water pollution; storm water discharge fees and other surface water discharge fees; provide for. ( <b>Sen. L. Brater</b> )
92		432	Yes	26-Apr	26-Apr	4/26/04	<b>Elections</b> ; other; federal provisional ballot requirement and other federal requirements; include in Michigan election law. ( <b>Sen. B. Hammerstrom</b> )

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93	5466		Yes	7-May	7-May	5/7/04	<b>Probate</b> ; powers of attorney; length of delegation of parental powers by individuals serving in armed forces; extend. <b>(Rep. J. Emmons)</b>
94		109	Yes	7-May	7-May	5/7/04	<b>State agencies (existing)</b> ; other; department of labor and economic growth; codify transfer of office of Spanish-speaking affairs. <b>(Sen. V. Garcia)</b>
95		759	Yes	7-May	7-May	5/7/04	<b>Watercraft</b> ; safety; department of natural resources educational programs; include information on fueling techniques, problems associated with marine fuel spills, and how and when to report a marine fuel spill. <b>(Sen. B. Patterson)</b>
96		350	Yes	7-May	7-May	5/7/04	<b>Elections</b> ; election officials; voting equipment and voter information displays; require appropriate election officials to furnish. <b>(Sen. C. Brown)</b>
97		206	Yes	7-May	7-May	5/7/04	<b>Occupations</b> ; individual licensing and regulation; audiologists; establish licensing. <b>(Sen. S. Johnson)</b>
98	4172		Yes	13-May	13-May	5/13/04	<b>Health</b> ; testing; defendant charged with certain crimes to pay actual and reasonable costs of court ordered testing; include hepatitis C and allow court to order upon conviction. <b>(Rep. T. Meyer)</b>
99	5427		Yes	13-May	13-May	5/13/04	<b>Weapons</b> ; licensing; licensing and inspection requirements for certain antique firearms; clarify. <b>(Rep. D. Acciavatti)</b>

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100	5428		Yes	13-May	13-May	5/13/04	<b>Weapons</b> ; other; inspection requirements for certain antique firearms; clarify. (Rep. F. Amos)
101	5429		Yes	13-May	13-May	5/13/04	<b>Weapons</b> ; licensing; licensing requirements for certain antique firearms; clarify. (Rep. M. Milosch)
102	5648		Yes	13-May	13-May	5/13/04	<b>Juveniles</b> ; criminal procedure; payment of minimum state cost by juveniles; revise procedure. (Rep. J. Howell)
103	4937		Yes	20-May	20-May	5/20/04	<b>Occupations</b> ; inspectors; representation of antique steam boiler operators; require membership on board of boiler rules and provide for inspections. (Rep. B. Caswell)
104	5026		Yes	20-May	20-May	7/1/04	<b>Law enforcement</b> ; reports; prohibition against making false crime reports to certain individuals; revise. (Rep. G. Woronchak)
105	5182		Yes	20-May	20-May	9/1/04 #	<b>Civil procedure</b> ; evictions; procedure for eviction of tenants of property where controlled substances are manufactured, possessed, or delivered; revise. (Rep. J. Kooiman)
106	5197		Yes	20-May	20-May	9/1/04 #	<b>Housing</b> ; landlord and tenants; procedure for eviction of tenants of property where controlled substances are manufactured, possessed, or delivered; revise. (Rep. J. Kooiman)
107		307	Yes	20-May	20-May	5/20/04	<b>Education</b> ; other; parent involvement plan; require school districts and public school academies to create. (Sen. N. Cassis)

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108	5545		Yes	20-May	20-May	5/20/04	<b>Property tax</b> ; payment and collection; reimbursement for collection of state education tax; revise. <b>(Rep. J. Moolenaar)</b>
109	5093		Yes	20-May	20-May	5/20/04	<b>Retirement</b> ; state employees; reduction of duty disability retirement benefits; prohibit under certain circumstances. <b>(Rep. P. Condino)</b>
110		778	Yes	20-May	20-May	5/20/04	<b>Public employees and officers</b> ; public officer or employee of community mental health services program; allow to serve as public officer or employee of another legal or administrative entity. <b>(Sen. B. Hammerstrom)</b>
111		783	Yes	20-May	20-May	8/18/04	<b>Crimes</b> ; other; antihazing act; establish. <b>(Sen. M. McManus)</b>
112		784	Yes	20-May	20-May	8/18/04 #	<b>Criminal procedure</b> ; sentencing guidelines; sentencing guidelines for hazing crimes; enact. <b>(Sen. N. Cassis)</b>
113	5281		Yes	21-May	21-May	5/21/04	<b>Insurance</b> ; insurers; requirement for certain bond surety companies to maintain unimpaired capital and surplus; provide for. <b>(Rep. M. Mortimer)</b>
114		653	Yes	21-May	21-May	5/21/04	<b>Environmental protection</b> ; funding; environmental fees; extend sunset on the baseline environmental assessment fee and limit collection of groundwater discharge permit fees. <b>(Sen. B. Leland)</b>
115		1026	Yes	21-May	21-May	5/21/04	<b>Holidays</b> ; "Michigan Manufacturing Day"; establish. <b>(Sen. M. McManus)</b>

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116	4434		Yes	26-May	26-May	5/26/04	<b>Criminal procedure</b> ; probation; obtaining high school education or GED equivalency as a condition of probation; allow court to order. <b>(Rep. V. Smith)</b>
117	4244		Yes	26-May	26-May	5/26/04	<b>Retirement</b> ; public school employees; definition of "dependent"; revise. <b>(Rep. J. Minore)</b>
118	5241		Yes	27-May	27-May	5/27/04	<b>Taxation</b> ; hotel-motel tax; population requirements for the collection of and the rate of excise taxes; revise. <b>(Rep. J. Koetje)</b>
119	4272		Yes	27-May	27-May	5/27/04	<b>Health facilities</b> ; patients; governor's commission on patient safety; create. <b>(Rep. S. Ehardt)</b>
120		991	Yes	27-May	27-May	5/27/04	<b>Health facilities</b> ; hospitals; hospital authority; revise certain document compliance criteria. <b>(Sen. J. Allen)</b>
121		839	Yes	27-May	27-May	5/27/04	<b>Property</b> ; conveyances; certain state owned property in Berrien county; allow for conveyance. <b>(Sen. R. Jelinek)</b>
122		804	Yes	28-May	28-May	5/28/04	<b>Local government</b> ; bonds; improvements on real estate property; require certain deposits. <b>(Sen. P. Birkholz)</b>
123		1023	Yes	28-May	28-May	5/28/04 #	<b>Natural resources</b> ; forests; forest pilot project areas; provide for. <b>(Sen. M. Prusi)</b>
124		1024	Yes	28-May	28-May	5/28/04 #	<b>Natural resources</b> ; forests; forest finance authority; change membership of board and authorize use of the forest development fund for certification of sustainable forestry standards in the state forest. <b>(Sen. M. McManus)</b>

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125	5554		Yes	28-May	28-May	5/28/04 #	<b>Natural resources</b> ; forests; sustainable forestry on state forestlands; provide for. <b>(Rep. T. Casperson)</b>
126	5331		Yes	28-May	28-May	5/28/04	<b>Single business tax</b> ; credit; start-up business; credit for certain tax years under certain circumstances. <b>(Rep. L. Wenke)</b>
127	5666		Yes	3-Jun	3-Jun	6/3/04	<b>Education</b> ; attendance; counting additional hours as pupil instruction due to certain structural damage to a school building; allow. <b>(Rep. H. Walker)</b>
128	5105		Yes	3-Jun	3-Jun	7/1/04	<b>Crimes</b> ; robbery; general revisions to certain robbery statutes; provide for. <b>(Rep. W. Van Regenmorter)</b>
129		221	Yes	3-Jun	3-Jun	6/3/04 #	<b>Weapons</b> ; concealed; carrying a pistol in area frequented by game without hunting license; allow if individual has, or is exempt from having, a concealed weapon permit. <b>(Sen. V. Garcia)</b>
130	4867		Yes	3-Jun	3-Jun	6/3/04 #	<b>Weapons</b> ; concealed; promulgation of rules prohibiting the carrying of concealed pistols on certain state land; prohibit by certain state agencies under certain circumstances. <b>(Rep. J. Koetje)</b>
131		979	Yes	3-Jun	3-Jun	6/3/04	<b>Transportation</b> ; school vehicles; annual physical examination required for drivers; add certified nurse practitioner as individual authorized to conduct and certify. <b>(Sen. B. Patterson)</b>

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132		982	Yes	3-Jun	3-Jun	6/3/04	<b>State agencies (existing);</b> civil service; required physical examination for all applicants; allow physician's assistant or certified nurse practitioner to perform. <b>(Sen. M. Bishop)</b>
133		985	Yes	3-Jun	3-Jun	6/3/04	<b>State agencies (existing);</b> civil service; required physical examination for all applicants; allow physician's assistant or certified nurse practitioner to perform. <b>(Sen. W. Kuipers)</b>
134	5500		Yes	5-Jun	6/7	6/7/04	<b>Liquor;</b> hours; selling of alcohol before 12 noon on Sunday; require to extend over 2 time zones. <b>(Rep. T. Casperson)</b>
135			No		6/9	**	<b>Initiated Law</b>
136	5381		Yes	10-Jun	6/10	9/1/04	<b>Liens;</b> other; a judgment lien; provide for. <b>(Rep. C. LaSata)</b>
137	5671		Yes	10-Jun	6/10	6/10/04	<b>Cities;</b> annexation; notification to certain property owners of scheduled public hearings for annexation; require. <b>(Rep. J. Hune)</b>
138		1074	Yes	15-Jun	6/15	6/15/04	<b>Highways;</b> name; memorial highway act; amend section naming US-131. <b>(Sen. T. George)</b>
139		241	Yes	15-Jun	6/15	6/15/04 #	<b>Highways;</b> name; underground railroad memorial highway; create. <b>(Sen. T. George)</b>
140	5491		Yes	15-Jun	6/15	6/15/04 #	<b>Highways;</b> name; underground railroad memorial highway; create. <b>(Rep. L. Wenke)</b>

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141		559	Yes	15-Jun	6/15	6/15/04	<b>Liquor</b> ; licenses; on-premises liquor license for certain conference centers; expand to include certain centers at northwestern Michigan college. <b>(Sen. J. Allen)</b>
142	5586		Yes	15-Jun	6/15	6/15/04 #	<b>Environmental protection</b> ; water pollution; notification requirements for release of polluting material; revise and change date for inflation adjustment to commercial forest specific tax. <b>(Rep. D. Acciavatti)</b>
143		977	Yes	15-Jun	6/15	6/15/04 #	<b>Environmental protection</b> ; water pollution; failure to report release of polluting material to 9-1-1 and local health department; provide penalties. <b>(Sen. J. Gilbert)</b>
144	5134		Yes	15-Jun	6/15	6/15/04	<b>Health</b> ; occupations; use of a laser for dermatological purposes; require physician supervision. <b>(Rep. E. Gaffney)</b>
145		662	Yes	15-Jun	6/15	6/15/04	<b>Higher education</b> ; financial aid; payments to approved independent nonprofit institutions of higher education; allow payment for theology, divinity, or religious programs and degrees in certain institutions. <b>(Sen. J. Allen)</b>
146		1179	Yes	15-Jun	6/15	6/15/04	<b>Highways</b> ; name; certain bridge by US-31 in Grand Haven; designate as the "Memorial Bridge". <b>(Sen. W. Kuipers)</b>
147		1160	Yes	15-Jun	6/15	6/15/04	<b>Highways</b> ; name; renaming of a portion of US-127; designate as the "Kevin Sherwood Memorial Highway". <b>(Sen. M. McManus)</b>

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148		1073	Yes	15-Jun	6/15	6/15/04	<b>Education</b> ; employees; requirement for school administrator continuing education; clarify. <b>(Sen. W. Kuipers)</b>
149		913	Yes	15-Jun	6/15	9/1/04	<b>State</b> ; identification cards; reproducing, altering, counterfeiting, forging, or duplicating Michigan personal identification card; increase penalties. <b>(Sen. M. McManus)</b>
150		912	Yes	15-Jun	6/15	9/1/04 #	<b>Criminal procedure</b> ; sentencing guidelines; sentencing guidelines for crime of reproducing, altering, counterfeiting, forging, or duplicating Michigan personal identification card; enact. <b>(Sen. A. Sanborn)</b>
151		981	Yes	15-Jun	6/15	6/15/04	<b>Traffic control</b> ; parking; medical certification required to obtain a handicap parking sticker, certificate, placard, plate, or tab; add certified nurse practitioner as individual authorized to complete and limit the display of the disabled person's driver's license number or state identification number on the windshield placard. <b>(Sen. S. Thomas)</b>
152		987	Yes	15-Jun	6/15	6/15/04	<b>Occupations</b> ; other; medical certification required for licensure as a driver's training instructor; add a licensed physician's assistant and certified nurse practitioner as individuals authorized to conduct and certify the physical examination. <b>(Sen. B. Patterson)</b>

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153		724	Yes	15-Jun	6/15	6/15/04	<b>Health</b> ; death; county medical examiner's investigative duties regarding death of an individual while under hospice care; clarify. <b>(Sen. T. George)</b>
154		1009	Yes	15-Jun	6/15	9/1/04	<b>Crimes</b> ; definitions; definition of "false pretense"; clarify. <b>(Sen. A. Cropsey)</b>
155		918	Yes	15-Jun	6/16	9/1/04 #	<b>Crimes</b> ; electronic surveillance; recording certain visual images without consent; prohibit and provide penalties. <b>(Sen. A. Sanborn)</b>
156	5692		Yes	15-Jun	6/16	9/1/04 #	<b>Crimes</b> ; electronic surveillance; secretly observing, recording, or capturing certain visual images; prohibit and provide penalties. <b>(Rep. F. Amos)</b>
157	5693		Yes	15-Jun	6/16	6/16/04 #	<b>Criminal procedure</b> ; sentencing guidelines; guidelines for certain crimes involving electronic surveillance; enact. <b>(Rep. S. Caul)</b>
158	4344		Yes	17-Jun	6/17	6/17/04	<b>Economic development</b> ; downtown development authorities; multiple districts; allow. <b>(Rep. L. Wojno)</b>
159	5307		Yes	18-Jun	6/18	9/1/04	<b>Probate</b> ; trusts; new uniform principal and income act; enact. <b>(Rep. W. Van Regenmorter)</b>
160	5029		Yes	18-Jun	6/18	6/18/04	<b>Natural resources</b> ; hunting; mourning doves; list as game and authorize natural resources commission to declare first open season for game. <b>(Rep. S. Tabor)</b>
161	4983		Yes	18-Jun	6/21	10/1/04	<b>Occupations</b> ; service occupations; listing of certain persons acting as immigration clerical assistants; provide for and require bonding. <b>(Rep. S. Tobocman)</b>

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162	4984		Yes	18-Jun	6/21	10/1/04 #	<b>Criminal procedure</b> ; sentencing guidelines; sentencing guidelines for certain violations of the Michigan immigration clerical assistant act; enact. <b>(Rep. W. Huizenga)</b>
163	5008		Yes	23-Jun	6/23	6/23/04	<b>Vehicles</b> ; registration; registration of motorcycle license plate to expire on individual's birthday; require. <b>(Rep. W. Huizenga)</b>
164	5632		Yes	24-Jun	6/24	6/24/04	<b>Taxation</b> ; tobacco; tobacco products tax; increase and earmark funds. <b>(Rep. L. Julian)</b>
165		943	Yes	24-Jun	6/24	6/24/04	<b>Education</b> ; curricula; requirements for instruction in sex education; revise. <b>(Sen. W. Kuipers)</b>
166	5478		Yes	24-Jun	6/24	6/24/04 #	<b>School aid</b> ; penalties; penalties related to instruction in sex education; revise and provide for complaint process. <b>(Rep. J. Stahl)</b>
167		151	Yes	24-Jun	6/24	6/24/04	<b>Criminal procedure</b> ; bail; surety bonds for proportion of full bail amount; allow. <b>(Sen. H. Clarke)</b>
168	5273		Yes	24-Jun	6/24	6/24/04	<b>Transportation</b> ; carriers; penalties for improper transportation of hazardous materials; revise. <b>(Rep. T. Casperson)</b>
169	5730		Yes	24-Jun	6/24	6/24/04 #	<b>Liquor</b> ; licenses; issuance of license to a local unit of government in which an international sporting event is to be hosted; allow. <b>(Rep. S. Taub)</b>
170	5731		Yes	24-Jun	6/24	6/24/04 #	<b>Liquor</b> ; licenses; sale of alcohol during certain national sporting events; allow. <b>(Rep. B. McConico)</b>

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171		296	Yes	24-Jun	6/24	6/24/04	<b>Insurance</b> ; health; direct reimbursement to provider of medical transportation services; provide for. ( <b>Sen. J. Gilbert</b> )
172	5502		Yes	28-Jun	6/28	9/1/04 #	<b>Use tax</b> ; collections; implementation of a streamlined sales tax; provide for. ( <b>Rep. L. Wenke</b> )
173	5503		Yes	28-Jun	6/28	9/1/04 #	<b>Sales tax</b> ; collections; implementation of a streamlined sales tax; provide for. ( <b>Rep. D. Byrum</b> )
174	5504		Yes	28-Jun	6/28	7/1/04 #	<b>Sales tax</b> ; collections; implementation of a streamlined sales tax agreement; provide for. ( <b>Rep. P. Condino</b> )
175	5505		Yes	28-Jun	6/28	9/1/04 #	<b>Sales tax</b> ; collections; streamlined sales tax equalization act; create. ( <b>Rep. J. Koetje</b> )
176	5681		Yes	1-Jul	7/1	7/1/04	<b>Recreation</b> ; state parks; Mackinac Island state park; provide sanctions for operating a vehicle without a permit and for destruction of vegetation. ( <b>Rep. S. Shackleton</b> )
177	5494		Yes	1-Jul	7/1	7/1/04	<b>State</b> ; historic sites; law enforcement memorial monument; create. ( <b>Rep. L. Julian</b> )
178	4476		Yes	1-Jul	7/1	7/1/04	<b>Human services</b> ; long-term care; Michigan lifespan respite services program; create. ( <b>Rep. B. Vander Veen</b> )
179	5225		Yes	1-Jul	7/1	7/1/04	<b>Health</b> ; death; rules and regulations for medical examiners when conducting an autopsy to determine the cause of an infant death; require department of community health to promulgate. ( <b>Rep. P. Condino</b> )

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180		625	Yes	1-Jul	7/1	7/1/04	<b>Higher education;</b> tuition; part-time independent student grants; revise to allow students in certain theology or divinity programs to receive grant money. ( <b>Sen. N. Cassis</b> )
181		626	Yes	1-Jul	7/1	7/1/04	<b>Higher education;</b> tuition; state competitive scholarships; revise to allow students in theology, divinity, or religious programs to receive scholarship money. ( <b>Sen. G. Van Woerkom</b> )
182		627	Yes	1-Jul	7/1	7/1/04	<b>Higher education;</b> tuition; legislative merit award program; revise to allow students in theology, divinity, or religious programs in certain institutions to receive scholarship money. ( <b>Sen. J. Allen</b> )
183		628	Yes	1-Jul	7/1	7/1/04	<b>Higher education;</b> tuition; Michigan educational opportunity grant program; revise to allow students in theology, divinity, or religious programs in certain institutions to receive grant money. ( <b>Sen. I. Clark-Coleman</b> )
184		661	Yes	1-Jul	7/1	7/1/04	<b>Higher education;</b> tuition; tuition differential grants; revise to allow students in theology, divinity, or religious programs in certain institutions to receive tuition grant. ( <b>Sen. J. Allen</b> )
185		1194	Yes	1-Jul	7/1	7/1/04	<b>Appropriations;</b> supplemental; increase in amount of general fund appropriation for state school aid; provide for fiscal year 2003-2004. ( <b>Sen. S. Johnson</b> )

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
186	5859		Yes	1-Jul	7/1	7/1/04	<b>Liens</b> ; mortgages; provisions relating to foreclosure by advertisement of mortgages that have been assigned; revise. <b>(Rep. A. Lipsey)</b>
187		988	Yes	8-Jul	7/8	7/8/04	<b>Occupations</b> ; other; physical examinations required for boxers, referees, and judges before participating in a boxing contest; allow physician, certified nurse practitioner, or physician's assistant to perform. <b>(Sen. B. Patterson)</b>
188		1191	Yes	9-Jul	7/8	7/8/04 #	<b>Occupations</b> ; licensing fees; certified nurse practitioner and physician's assistant participation in a boxing event; provide for. <b>(Sen. B. Patterson)</b>
189	4062		Yes	10-Jul	7/8	7/8/04	<b>Health facilities</b> ; nursing homes; 24-hour toll-free telephone consumer complaint line; provide for. <b>(Rep. L. Wojno)</b>
190	4127		Yes	11-Jul	7/8	7/8/04	<b>Insurance</b> ; no-fault; use of particular auto repair facility; disclose agreements and inform insureds of certain rights. <b>(Rep. K. Daniels)</b>
191	4232		Yes	12-Jul	7/8	7/8/04 #	<b>Liquor</b> ; licenses; transfer within a county of on-premises escrowed liquor license; eliminate the population provision within a certain time period. <b>(Rep. J. Koetje)</b>
192	4930		Yes	13-Jul	7/8	7/8/04 #	<b>Liquor</b> ; licenses; issuance of a tavern license for golf courses owned by local governmental units under certain circumstances; provide for. <b>(Rep. J. Koetje)</b>
193	4769		Yes	14-Jul	7/8	7/8/04	<b>Children</b> ; support; assignment of support rights and foster care payments; bring into compliance with federal law. <b>(Rep. V. Smith)</b>

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194	5492		Yes	15-Jul	7/8	7/8/04	<b>Liquor</b> ; licenses; certain university-owned facilities; allow to obtain class B hotel type liquor license. <b>(Rep. L. Wenke)</b>
195	5589		Yes	16-Jul	7/8	7/8/04	<b>Children</b> ; services; requirement for child protective services workers to provide certain identifying information during a child protective services investigation; establish. <b>(Rep. F. Sheen)</b>
196		1240	Yes	17-Jul	7/8	7/8/04	<b>Economic development</b> ; downtown development authorities; uses for levied funds; expand to include wireless infrastructure and marketing initiatives. <b>(Sen. T. George)</b>
197	5807		Yes	12-Jul	7/12	7/12/04 #	<b>Public utilities</b> ; electric utilities; independent transmission companies; establish. <b>(Rep. B. McConico)</b>
198	5808		Yes	12-Jul	7/12	7/12/04 #	<b>Public utilities</b> ; electric utilities; electric transmission line certificate act; create. <b>(Rep. K. Bradstreet)</b>
199	4710		Yes	12-Jul	7/12	7/12/04	<b>Income tax</b> ; collections; income tax filing extension for active duty military service personnel serving in a combat zone; provide for and exempt from penalties and interest. <b>(Rep. B. Caswell)</b>
200	5232		Yes	12-Jul	7/12	7/12/04	<b>State agencies (existing)</b> ; community health; extension of sunset for temporary licensure of certain registered nurses, study and licensure of certain ambulance operations and devices; require. <b>(Rep. J. Stakoe)</b>

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201	5094		Yes	7/13	7/13	7/13/04	<b>Traffic control</b> ; pedestrians; procedures for establishing crosswalks near schools; revise. (Rep. M. Murphy)
202	5243		Yes	13-Jul	7/13	7/13/04	<b>Economic development</b> ; renaissance zones; tool and die recovery zone; modify. (Rep. D. Palsrok)
203	4770		Yes	14-Jul	7/14	10/1/04 #	<b>Children</b> ; support; child support bench warrant enforcement fund; create. (Rep. M. Milosch)
204	4768		Yes	14-Jul	7/14	10/1/04	<b>Children</b> ; support; responsibility for pregnancy and birth expenses under the paternity act; apportion between the parents and provide for certain exceptions. (Rep. D. Hart)
205	4771		Yes	14-Jul	7/14	10/1/04	<b>Family law</b> ; spousal support; revision of certain fees for actions pertaining to the custody or parenting time of minor children and funding for child support bench warrant enforcement fund; provide for. (Rep. S. Tabor)
206	4772		Yes	14-Jul	7/14	2/28/05	<b>Family law</b> ; friend of the court; administrative adjustment in the income withholding order to account for arrearages; allow and provide enforcement procedures for noncompliance by employers and payers. (Rep. B. Vander Veen)
207	4773		Yes	14-Jul	7/14	6/30/05	<b>Children</b> ; support; circumstances and time period requiring a review of child support; revise. (Rep. P. Condino)

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208	4774		Yes	14-Jul	7/14	***	<b>Children</b> ; support; procedure for assessing of and for discharge of surcharge costs; provide for. (Rep. J. Howell)
209	4775		Yes	14-Jul	7/14	10/1/04	<b>Children</b> ; support; retroactive support from date of paternity complaint filed; establish. (Rep. J. Koetje)
210	4776		Yes	14-Jul	7/14	10/1/04	<b>Family law</b> ; friend of the court; definition and functions of de novo hearings; include, revise membership requirement on county citizen friend of the court advisory committees, and provide guidelines for deviation from the child support formula. (Rep. J. Howell)
211	4792		Yes	14-Jul	7/14	2/28/05	<b>Children</b> ; support; arrearage payment plan; establish and provide certain penalties. (Rep. J. Garfield)
212	5148		Yes	14-Jul	7/14	*** #	<b>Commercial code</b> ; secured transactions; filing of financial statement; require notice of filing to debtor by secretary of state and prescribe penalties for false or fraudulent filing. (Rep. S. Shackleton)
213	5174		Yes	14-Jul	7/14	10/12/04	<b>Crimes</b> ; other; penalties for certain adulterations of drugs and medicine; increase. (Rep. D. Robertson)
214	5175		Yes	14-Jul	7/14	10/12/04	<b>Health</b> ; pharmaceuticals; penalty for adulterating, misbranding, or substituting a drug or device or selling an adulterated or misbranded drug; enhance in certain circumstances. (Rep. M. Nofs)

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215	5176		Yes	14-Jul	7/14	10/12/04 #	<b>Criminal procedure</b> ; sentencing guidelines; crime of adulterating, misbranding, or substituting a drug or device; provide for. (Rep. D. Farhat)
216	5177		Yes	14-Jul	7/14	10/12/04 #	<b>Criminal procedure</b> ; sentencing guidelines; increased penalties for certain adulterations of drugs and medicine; provide. (Rep. S. Ehardt)
217	5930		Yes	14-Jul	7/14	7/14/04	<b>Insurance</b> ; insurers; insurers rehabilitation and liquidation; permit exercise of a contractual right to terminate, liquidate, or close out netting agreement or financial contract without automatic stay. (Rep. D. Robertson)
218	5178		Yes	14-Jul	7/14	10/12/04 #	<b>Corrections</b> ; parole; provision relating to nonparolable life sentences; expand to include certain convictions. (Rep. T. Casperson)
219	5647		Yes	21-Jul	7/21	1/1/05 #	<b>Criminal procedure</b> ; probation; conditions of probation; include participation in drug treatment court. (Rep. J. Howell)
220	5674		Yes	21-Jul	7/21	1/1/05 #	<b>Criminal procedure</b> ; sentencing; sentencing procedures; include references to drug treatment courts. (Rep. D. Acciavatti)
221	5716		Yes	21-Jul	7/21	1/1/05 #	<b>Juveniles</b> ; criminal procedure; commitment of juvenile to drug treatment court; allow. (Rep. A. Meisner)
222	5932		Yes	21-Jul	7/21	1/1/05 #	<b>Courts</b> ; other; reporting of certain dispositions involving drug treatment court; revise. (Rep. A. Lipsey)

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223	5928		Yes	21-Jul	7/21	1/1/05 #	<b>Courts</b> ; other; referral to drug treatment court for certain persons eligible for deferred sentence and dismissal of charge; provide for. <b>(Rep. P. Condino)</b>
224		998	Yes	21-Jul	7/21	1/1/05	<b>Courts</b> ; other; drug treatment courts; establish. <b>(Sen. A. Cropsey)</b>
225		999	Yes	21-Jul	7/21	1/1/05 #	<b>Controlled substances</b> ; penalties; eligibility for probation and dismissal of charges; coordinate with drug treatment courts. <b>(Sen. A. Sanborn)</b>
226		1000	Yes	21-Jul	7/21	1/1/05 #	<b>Criminal procedure</b> ; youthful trainees; eligibility for youthful trainee program; coordinate with drug treatment courts. <b>(Sen. B. Patterson)</b>
227		599	Yes	21-Jul	7/21	7/21/04	<b>Education</b> ; school choice; children of school employees to attend school and be counted in district in which parents are employed without requiring consent of district of residence; allow. <b>(Sen. R. Basham)</b>
228		1135	Yes	21-Jul	7/21	7/21/04 #	<b>Environmental protection</b> ; other; laboratory data quality assurance advisory council; create. <b>(Sen. V. Garcia)</b>
229	5742		Yes	21-Jul	7/21	7/21/04 #	<b>Environmental protection</b> ; other; environmental laboratory quality recognition program; establish and make participation a condition for state contracts. <b>(Rep. S. Caul)</b>
230	5743		Yes	21-Jul	7/21	7/21/04 #	<b>Environmental protection</b> ; other; environmental laboratory quality recognition program; require audits of. <b>(Rep. L. Wenke)</b>

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231	5969		Yes	21-Jul	7/21	7/21/04	<b>Transportation</b> ; school vehicles; signal lights; revise number and color and require compliance with federal and state safety standards. (Rep. J. Voorhees)
232	5376		Yes	21-Jul	7/21	7/21/04	<b>Education</b> ; financing; requirement for posting bid information; revise. (Rep. B. Caswell)
233	4947		Yes	21-Jul	7/21	7/21/04	<b>Education</b> ; board members; public disclosure of school boards' voting preferences for intermediate school board members; require and require vote to be at open meeting. (Rep. J. Gleason)
234	4338		Yes	21-Jul	7/21	7/21/04 #	<b>Education</b> ; intermediate school districts; provisions concerning qualifications, recall, and removal of intermediate school board members; revise and clarify, and revise procedure for constituent district review of intermediate school district budget. (Rep. R. Johnson)
235	5021		Yes	21-Jul	7/21	7/21/04	<b>Natural resources</b> ; wildlife; wildlife violator compact; authorize governor to enter. (Rep. H. Walker)
236	5931		Yes	21-Jul	7/21	7/1/04	<b>Insurance</b> ; other; use of NAIC-adopted mortality tables; provide for. (Rep. D. Robertson)
237		1167	Yes	21-Jul	7/21	10/16/04 #	<b>Criminal procedure</b> ; sex offender registration; registration fee for registrant on the public sex offenders registry; assess. (Sen. B. Hammerstrom)
238	5195		Yes	21-Jul	7/21	5/1/05	<b>Criminal procedure</b> ; sex offender registration; photographs of sex offenders to be placed on public sex offenders registry; require. (Rep. M. Milosch)

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239	5240		Yes	21-Jul	7/21	10/1/04 #	<b>Criminal procedure</b> ; sex offender registration; registration requirements; eliminate for certain individuals. (Rep. L. Julian)
240	4920		Yes	21-Jul	7/21	10/1/04 #	<b>Criminal procedure</b> ; sex offender registration; sex offender registration requirements for certain youthful offenders; revise. (Rep. L. Julian)
241		1025	Yes	21-Jul	7/21	7/21/04 #	<b>Communications</b> ; computers; child protection registry to regulate electronic mail advertisements; provide for. (Sen. M. Bishop)
242	5979		Yes	21-Jul	7/21	7/21/04 #	<b>Communications</b> ; computers; violation of the child protection registry act; include under the fraudulent access to computers act. (Rep. D. Palsrok)
243	5598		Yes	22-Jul	7/23	7/23/04	<b>Employment security</b> ; benefits; eligibility for unemployment benefits for federal Americorps program individuals; prohibit under certain circumstances. (Rep. B. Caswell)
244	5824		Yes	22-Jul	7/23	7/23/04	<b>Property tax</b> ; exemptions; certain personal property located in a designated innovations center in a smart park; provide exemption. (Rep. L. Wenke)
245	5823		Yes	22-Jul	7/23	7/23/04	<b>Property tax</b> ; exemptions; real property designated as innovations center in a smart park; provide exemption. (Rep. L. Wenke)

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246	4730		Yes	22-Jul	7/23	10/1/04 #	<b>Environmental protection</b> ; water pollution; use of pesticides for controlling aquatic nuisances; revise regulation of. (Rep. J. Stakoe)
247	4729		Yes	22-Jul	7/23	10/1/04 #	<b>Environmental protection</b> ; water pollution; use of pesticide for controlling aquatic nuisances; provide sanctions for violations. (Rep. J. Gleason)
248		832	Yes	22-Jul	7/23	7/23/04	<b>Health</b> ; pharmaceuticals; exemption of certain prescription drugs from the department of community health medicaid prior authorization process; provide for. (Sen. B. Hammerstrom)
249	5665		No	22-Jul	7/23	**	<b>State</b> ; purchasing; purchase of paper products; give preference to products that derive from sustainably managed forests or procurement systems. (Rep. K. Bradstreet)
250		831	Yes	22-Jul	7/23	7/23/04	<b>Health</b> ; pharmaceuticals; pharmaceutical best practices initiative; provide for in the public health code. (Sen. T. George)
251	6026		Yes	22-Jul	7/23	7/23/04	<b>Economic development</b> ; obsolete property; start-up businesses; exempt for a certain period of time. (Rep. S. Hummel)
252	6025		Yes	22-Jul	7/23	7/23/04	<b>Property tax</b> ; exemptions; start-up businesses; exempt from taxes for 5 years. (Rep. M. Milosch)
253	4013		Yes	23-Jul	7/23	10/1/04	<b>Children</b> ; paternity; equity in birthing expenses under the paternity act; require with certain exceptions. (Rep. G. Newell)

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254	5698		Yes	23-Jul	7/23	7/23/04	<b>Weapons</b> ; licensing; uniform language on certificate of completion; provide for and limit. (Rep. S. Rocca)
255	4260		Yes	22-Jul	7/23	9/1/04	<b>Crimes</b> ; embezzlement; vulnerable adult fraud; clarify. (Rep. W. Van Regenmorter)
256	5482		Yes	22-Jul	7/23	7/23/04	<b>Elections</b> ; election officials; appointment of a local receiving board; allow. (Rep. C. Ward)
257	5994		Yes	22-Jul	7/23	7/23/04	<b>Elections</b> ; school; recall of school board members; provide for procedure. (Rep. R. Johnson)
258		1116	Yes	22-Jul	7/23	7/23/04	<b>Single business tax</b> ; deductions; income from certain federal and state research programs and grants; provide for. (Sen. G. Van Woerkom)
259		1216	Yes	22-Jul	7/23	7/23/04	<b>Mental health</b> ; code; process for issuance of certain permits and licenses; clarify and expand to include discount and refund language. (Sen. T. George)
260		1222	Yes	22-Jul	7/23	7/23/04	<b>Occupations</b> ; private detectives; process for issuance of certain licenses; clarify time periods for issuance and expand to include discount and refund language. (Sen. A. Sanborn)
261		1223	Yes	22-Jul	7/23	7/23/04	<b>Construction</b> ; asbestos; process for issuance of licenses of asbestos abatement contractors; clarify time periods for issuance and expand to include discount and refund language. (Sen. V. Bernero)

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262		1224	Yes	22-Jul	7/23	7/23/04	<b>Construction</b> ; asbestos; process for issuance of certain licenses regarding asbestos accreditation; clarify time periods for issuance and expand to include discount and refund language. ( <b>Sen. J. Gilbert</b> )
263		1230	Yes	22-Jul	7/23	7/23/04 #	<b>Occupations</b> ; licensing fees; certain registration and license fees; clarify circumstances for discount and refund. ( <b>Sen. L. Toy</b> )
264		1231	Yes	22-Jul	7/23	7/23/04	<b>Occupations</b> ; licensing fees; process for issuance of certain registrations and licenses; clarify time periods for issuance and expand to include discount and refund language. ( <b>Sen. L. Toy</b> )
265		1234	Yes	22-Jul	7/23	7/23/04	<b>Occupations</b> ; construction; process for issuance of certain permits and licenses regarding boilers; clarify time periods for issuance and expand to include discount and refund language. ( <b>Sen. B. Patterson</b> )
266	5878		Yes	22-Jul	7/23	7/23/04	<b>Liquor</b> ; other; process for issuance of certain liquor licenses; clarify time periods for issuance and expand to include discount and refund language. ( <b>Rep. E. Gaffney</b> )
267	5879		Yes	22-Jul	7/23	7/23/04	<b>Food</b> ; other; process for issuance of certain licenses; clarify time periods for issuance and expand to include discount and refund language. ( <b>Rep. C. Bisbee</b> )

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268	5889		Yes	22-Jul	7/23	7/23/04	<b>Occupations</b> ; plumbers; process for issuance of certain licenses; clarify time periods for issuance and expand to include discount and refund language. (Rep. J. Brandenburg)
269	5890		Yes	22-Jul	7/23	7/23/04	<b>Occupations</b> ; construction; process for issuance of certain permits and licenses for elevator contractors; clarify time periods for issuance and expand to include discount and refund language. (Rep. F. Amos)
270	5893		Yes	22-Jul	7/23	7/23/04	<b>Occupations</b> ; security guards; process for issuance of certain licenses; clarify time periods for issuance and expand to include discount and refund language. (Rep. L. Drolet)
271	5894		Yes	22-Jul	7/23	7/23/04	<b>Construction</b> ; mechanical contracting; process for issuance of certain licenses; clarify time periods for issuance and expand to include discount and refund language. (Rep. J. Stakoe)
272	5896		Yes	22-Jul	7/23	7/23/04	<b>Gaming</b> ; lottery; time limits for issuance of licenses and penalties for failure to comply; enact. (Rep. S. Taub)
273	5897		Yes	22-Jul	7/23	7/23/04	<b>Agriculture</b> ; plants; process for issuance of certain licenses; clarify and expand to include discount and refund language. (Rep. T. Casperson)
274	5899		Yes	22-Jul	7/23	7/23/04	<b>Trade</b> ; other; process for issuance of grain dealer licenses; revise requirements for processing of applications. (Rep. D. Farhat)

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275	5900		Yes	22-Jul	7/23	7/23/04	<b>Occupations</b> ; electricians; process for issuance of certain contractor licenses; clarify time periods for issuance and expand to include discount and refund language. (Rep. D. Robertson)
276	5887		Yes	22-Jul	7/23	7/23/04	<b>Occupations</b> ; forensic polygraph examiners; process for issuance of certain licenses; clarify time periods for issuance and expand to include discount and refund language. (Rep. D. Acciavatti)
277		1208	Yes	22-Jul	7/23	7/23/04	<b>Agriculture</b> ; agribusiness; process for issuance of certain permits and licenses involving grade A milk; clarify time periods for issuance and expand to include discount and refund language. (Sen. T. Stamas)
278		1209	Yes	22-Jul	7/23	7/23/04	<b>Transportation</b> ; other; process for issuance of certain permits and licenses; clarify and expand to include discount and refund language. (Sen. R. Jelinek)
279		1211	Yes	22-Jul	7/23	7/23/04	<b>Agriculture</b> ; animals; process for issuance of licenses involving livestock dealers, brokers, or agents; clarify time periods for issuance and expand to include discount and refund language. (Sen. G. Van Woerkom)
280		1214	Yes	22-Jul	7/23	7/23/04	<b>Agriculture</b> ; animals; process for issuance of pet shop licenses; clarify time periods for issuance and expand to include discount and refund language. (Sen. N. Cassis)

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281		1215	Yes	22-Jul	7/23	7/23/04 #	<b>Human services</b> ; adult foster care; process for issuance of certain permits and licenses; clarify and expand to include discount and refund language. ( <b>Sen. B. Hammerstrom</b> )
282	5884		Yes	22-Jul	7/23	7/23/04	<b>Agriculture</b> ; agribusiness; process for issuance of certain permits and licenses under the manufacturing milk law of 2000; clarify time periods for issuance and expand to include discount and refund language. ( <b>Rep. J. Hune</b> )
283	5888		Yes	22-Jul	7/23	7/23/04	<b>Trade</b> ; vehicles; process for issuance of licenses under motor vehicle sales finance act; revise. ( <b>Rep. P. LaJoy</b> )
284	5895		Yes	22-Jul	7/23	7/23/04	<b>Health facilities</b> ; licensing; process for issuance of certain licenses; clarify and expand to include discount and refund language. ( <b>Rep. W. Huizenga</b> )
285	5882		Yes	22-Jul	7/23	7/23/04 #	<b>Human services</b> ; adult foster care; process for issuance of certain permits and licenses; allow refund. ( <b>Rep. G. Newell</b> )
286	5990		Yes	23-Jul	7/23	7/23/04	<b>Elections</b> ; school; school district election coordinator; prohibit certain delegation of duties. ( <b>Rep. F. Sheen</b> )
287	5991		Yes	23-Jul	7/23	7/23/04	<b>Elections</b> ; local; consolidation of precincts; permit by local clerk when conducting school and local elections at same time. ( <b>Rep. C. DeRoche</b> )
288	5992		Yes	23-Jul	7/23	7/23/04	<b>Elections</b> ; school; school board member; require written acceptance of office. ( <b>Rep. C. Ward</b> )

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
289	5993		Yes	23-Jul	7/23	7/23/04	<b>Elections</b> ; school; vacancy in office; require notification to school district election coordinator of person appointed to fill vacancy. <b>(Rep. J. Stahl)</b>
290	5995		Yes	23-Jul	7/23	7/23/04	<b>Elections</b> ; local; village offices; provide for filing with township clerk under certain circumstances. <b>(Rep. W. Huizenga)</b>
291	5996		Yes	23-Jul	7/23	7/23/04	<b>Elections</b> ; local; village offices; require township clerk to transfer registration information to village clerk. <b>(Rep. J. Hoogendyk)</b>
292	5997		Yes	23-Jul	7/23	9/1/04	<b>Elections</b> ; local; general amendments regarding scheduling; provide for. <b>(Rep. D. Hart)</b>
293	5998		Yes	23-Jul	7/23	7/23/04	<b>Elections</b> ; scheduling; extension of office where election date is changed; provide for. <b>(Rep. R. Ann Jamnick)</b>
294	5999		Yes	23-Jul	7/23	9/1/04	<b>Elections</b> ; local; optional change in election date for local units; revise city option and provide for village option. <b>(Rep. J. Hune)</b>
295	6000		Yes	23-Jul	7/23	7/23/04	<b>Elections</b> ; ballots; voting on ballot questions; provide for technical amendment. <b>(Rep. F. Accavitti)</b>
296	6001		Yes	23-Jul	7/23	7/23/04	<b>Elections</b> ; precinct boundaries; population of precincts for consolidation of precincts; limit. <b>(Rep. M. Milosch)</b>
297	6002		Yes	23-Jul	7/23	7/23/04	<b>Elections</b> ; ballots; order of position on nonpartisan ballot; provide for. <b>(Rep. D. Palsrok)</b>

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
298	6003		Yes	23-Jul	7/23	7/23/04	<b>Elections</b> ; recall; filling of vacancy in case of school board member; provide for filing petition with school district election coordinator. <b>(Rep. S. Hummel)</b>
299	6004		Yes	23-Jul	7/23	7/23/04	<b>Elections</b> ; local; election consolidation; provide for home rule village elections. <b>(Rep. B. Palmer)</b>
300	6005		Yes	23-Jul	7/23	7/23/04	<b>Elections</b> ; local; election consolidation; provide for general law village elections. <b>(Rep. J. Kooiman)</b>
301	5653		Yes	23-Jul	7/23	7/23/04	<b>Sales tax</b> ; exemptions; automobile provided to a qualified recipient by a qualified charitable organization; provide for. <b>(Rep. M. Nofs)</b>
302	5463		Yes	23-Jul	7/23	7/23/04 #	<b>Single business tax</b> ; credit; tax credit for donation of an automobile to a qualified charitable organization; provide for. <b>(Rep. D. Robertson)</b>
303	4508		Yes	6-Aug	8/10	8/10/04	<b>Education</b> ; school districts; alternative governance structures for first class school districts; provide for and provide for election on which structure to adopt. <b>(Rep. B. McConico)</b>
304		1260	Yes	11-Aug	8/11	1/1/05 #	<b>Criminal procedure</b> ; sentencing guidelines; sentencing guidelines for false or fraudulent filing of financial statement; enact. <b>(Sen. A. Sanborn)</b>
305	5198		Yes	11-Aug	8/11	8/11/04	<b>Civil rights</b> ; open meetings; disclosure of certain information in minutes of public body; prohibit to avoid violation of family educational rights and privacy act. <b>(Rep. M. Nofs)</b>

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
306	4612		Yes	17-Aug	8/17	9/1/04	<b>Gaming</b> ; casinos; tax on adjusted gross receipts; increase, and allow simulcasting of horse races at casinos under certain circumstances. <b>(Rep. R. Brown)</b>
307	5446		Yes	17-Aug	8/17	8/17/04	<b>Counties</b> ; boards and commissions; membership on the local planning commission; require 1 member be from a school district within the county. <b>(Rep. C. Ward)</b>
308	5664		Yes	17-Aug	8/17	1/1/05	<b>Occupations</b> ; sanitarians; adoption of national credentialing standards for qualification for registration; allow and establish membership on an advisory committee. <b>(Rep. J. Stakoe)</b>
309		267	Yes	17-Aug	8/17	8/17/04 +	<b>Appropriations</b> ; zero budget; supplemental appropriation; provide for fiscal years 2003-2004 and 2004-2005. <b>(Sen. S. Johnson)</b>
310		874	Yes	27-Aug	27-Aug	1/1/05	<b>Property</b> ; conveyances; requirements for conveying certain property in Oakland county; revise. <b>(Sen. M. Bishop)</b>
311		927	Yes	27-Aug	27-Aug	8/27/04	<b>Natural resources</b> ; other; work group on game and fish program revenue; establish. <b>(Sen. M. McManus)</b>
312		1001	Yes	27-Aug	27-Aug	8/27/04 #	<b>Use tax</b> ; exemptions; automobile provided to a qualified recipient by a qualified charitable organization; provide for. <b>(Sen. B. Hardiman)</b>
313		1003	Yes	27-Aug	27-Aug	8/27/04 #	<b>Income tax</b> ; credit; tax credit for donation of an automobile to a qualified charitable organization; provide for. <b>(Sen. T. George)</b>
314		1051	Yes	27-Aug	27-Aug	9/1/04	<b>Probate</b> ; wills and estates; general amendments to the estates and protected individuals code; provide for. <b>(Sen. A. Cropsey)</b>

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315		1228	Yes	27-Aug	27-Aug	10/1/07	<b>Children</b> ; child care; process for issuance of certain permits and licenses; clarify and expand to include discount and refund language. <b>(Sen. S. Thomas)</b>
316		1261	Yes	27-Aug	27-Aug	8/27/04	<b>Insurance</b> ; no-fault; report prepared by automobile theft prevention authority; eliminate state court administrative office from development of report. <b>(Sen. M. Bishop)</b>
317		1262	Yes	27-Aug	27-Aug	8/27/04	<b>Mental health</b> ; code; reference to "state court administrative office"; revise to "the appropriate court". <b>(Sen. B. Patterson)</b>
318		1263	Yes	27-Aug	27-Aug	8/27/04	<b>Criminal procedure</b> ; warrants; requirement to establish paper quality and durability standards for arrest warrants; eliminate. <b>(Sen. A. Sanborn)</b>
319		1274	Yes	27-Aug	27-Aug	8/27/04	<b>Single business tax</b> ; credit; percentage of compensation cost of credited jobs through 2009; provide for credit. <b>(Sen. C. Brown)</b>
320		1297	Yes	27-Aug	27-Aug	8/27/04	<b>Property</b> ; conveyances; conveyance of certain state owned property in Isabella county; provide for, and repeal certain acts and parts of acts. <b>(Sen. A. Cropsey)</b>
321		1302	Yes	27-Aug	27-Aug	8/27/04	<b>Economic development</b> ; other; start-up businesses in a technology park development; exempt for a certain period of time. <b>(Sen. B. Patterson)</b>
322		1303	Yes	27-Aug	27-Aug	8/27/04	<b>Taxation</b> ; utility users; start-up businesses; exempt from tax for certain tax years under certain circumstances. <b>(Sen. J. Gilbert)</b>

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323		1304	Yes	27-Aug	27-Aug	8/27/04	<b>Economic development</b> ; plant rehabilitation; start-up businesses; exempt for certain period of time. <b>(Sen. P. Birkholz)</b>
324		1305	Yes	27-Aug	27-Aug	8/27/04	<b>Property tax</b> ; other; start-up businesses; exempt from tax under 1953 PA 189 for 5 years. <b>(Sen. V. Bernero)</b>
325	5876		Yes	9-Sep	10-Sep	9/10/04	<b>Environmental protection</b> ; other; issuance of permits; revise procedures and impose processing deadlines. <b>(Rep. F. Sheen)</b>
326		1124	Yes	10-Sep	10-Sep	9/10/04	<b>Property</b> ; conveyances; conveyance of state owned property in various counties; provide for. <b>(Sen. T. Stamas)</b>
327	5517		Yes	17-Sep	17-Sep	9/17/04 +	<b>Appropriations</b> ; general government; provide for fiscal year 2004-2005. <b>(Rep. M. Shulman)</b>
328		1252	Yes	22-Sep	23-Sep	9/23/04	<b>Civil procedure</b> ; costs and fees; payment for transcripts for certain appeals; increase. <b>(Sen. M. Switalski)</b>
329	6021		Yes	22-Sep	23-Sep	9/23/04	<b>Health</b> ; pharmaceuticals; reuse and redispensing of certain dispensed prescription drugs; allow under certain circumstances. <b>(Rep. M. Pumford)</b>
330	4742		Yes	22-Sep	23-Sep	9/23/04	<b>Courts</b> ; funding; payment of minimum state cost as a condition of probation; require. <b>(Rep. C. LaSata)</b>
331	5820		Yes	22-Sep	23-Sep	11/1/04	<b>Crimes</b> ; penalties; penalties for reckless driving; increase. <b>(Rep. A. Lipsey)</b>

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332	5846		Yes	22-Sep	23-Sep	9/23/04	<b>Criminal procedure</b> ; bail; certain procedures regarding forfeiture of bail in criminal cases; revise. (Rep. J. Stakoe)
333		722	Yes	22-Sep	23-Sep	9/23/04 #	<b>Environmental protection</b> ; pollution prevention; loans for pollution prevention projects; expand eligibility criteria for certain small businesses. (Sen. L. Brater)
334		723	Yes	22-Sep	23-Sep	9/23/04 #	<b>Environmental protection</b> ; pollution prevention; small business pollution prevention assistance revolving loan fund; revise eligibility criteria. (Sen. R. Basham)
335	5798		Yes	22-Sep	23-Sep	9/23/04	<b>Income tax</b> ; home heating credit; refund requirement for certain energy bills; revise. (Rep. J. Rivet)
336	5801		Yes	22-Sep	23-Sep	9/23/04	<b>Highways</b> ; bridges; penalties for failure to pay toll when crossing Mackinac bridge; provide for. (Rep. S. Shackleton)
337		885	Yes	22-Sep	23-Sep	9/23/04	<b>School aid</b> ; categoricals; evaluation tool requirements for intermediate district preschool grants; eliminate. (Sen. C. Brown)
338		1328	Yes	22-Sep	23-Sep	9/23/04	<b>Crimes</b> ; weapons; possession and use of certain weapons by law enforcement personnel; allow. (Sen. A. Cropsey)

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339	5520		Yes	28-Sep	28-Sep	9/28/04	<b>Appropriations;</b> judiciary; judiciary; provide for fiscal year 2004-2005. (Rep. M. Shulman)
340	5519		Yes	28-Sep	28-Sep	9/28/04 +	<b>Appropriations;</b> history, arts, and libraries; department of history, arts, and libraries; provide for fiscal year 2004-2005. (Rep. M. Shulman)
341	5522		Yes	28-Sep	28-Sep	9/28/04	<b>Appropriations;</b> military affairs; department of military affairs; provide for fiscal year 2004-2005. (Rep. M. Shulman)
342		1349	Yes	28-Sep	28-Sep	9/28/04	<b>Agriculture;</b> other; certain loans to farmer-owned sugar beet cooperatives; modify under certain circumstances. (Sen. J. Barcia)
343		1244	Yes	29-Sep	29-Sep	9/29/04	<b>Probate;</b> powers of attorney; appointment of a personal representative for disposition of a body when decedent has no assets or no known family members; allow. (Sen. A. Cropsey)
344	5516		Yes	28-Sep	29-Sep	9/29/04	<b>Appropriations;</b> family independence agency; family independence agency; provide for fiscal year 2004-2005. (Rep. M. Shulman)
345		1064	Yes	28-Sep	29-Sep	9/29/04	<b>Appropriations;</b> corrections; department of corrections; provide for fiscal year 2004-2005. (Sen. S. Johnson)
346		1065	Yes	28-Sep	29-Sep	9/29/04	<b>Appropriations;</b> education; department of education; provide for fiscal year 2004-2005. (Sen. S. Johnson)

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347		1068	Yes	28-Sep	29-Sep	9/29/04	<b>Appropriations</b> ; natural resources; department of natural resources; provide for fiscal year 2004-2005. ( <b>Sen. S. Johnson</b> )
348	5526		Yes	28-Sep	29-Sep	9/29/04	<b>Appropriations</b> ; state police; department of state police; provide for fiscal year 2004-2005. ( <b>Rep. M. Shulman</b> )
349		1063	Yes	28-Sep	29-Sep	9/29/04 +	<b>Appropriations</b> ; community health; department of community health; provide for fiscal year 2004-2005. ( <b>Sen. S. Johnson</b> )
350		1066	Yes	28-Sep	30-Sep	9/30/04 +	<b>Appropriations</b> ; environmental quality; department of environmental quality; provide for fiscal year 2004-2005. ( <b>Sen. S. Johnson</b> )
351		1069	Yes	30-Sep	30-Sep	9/30/04	<b>Appropriations</b> ; school aid; fiscal year appropriations; provide for fiscal year 2004-2005. ( <b>Sen. S. Johnson</b> )
352		1067	Yes	30-Sep	30-Sep	9/30/04	<b>Appropriations</b> ; higher education; higher education; provide for fiscal year 2004-2005. ( <b>Sen. S. Johnson</b> )
353	5509		Yes	30-Sep	30-Sep	9/30/04	<b>Appropriations</b> ; agriculture; department of agriculture; provide for fiscal year 2004-2005. ( <b>Rep. M. Shulman</b> )
354	5521		Yes	30-Sep	30-Sep	9/30/04	<b>Appropriations</b> ; career development; department of labor and economic growth; provide for fiscal year 2004-2005. ( <b>Rep. M. Shulman</b> )
355		1104	Yes	30-Sep	30-Sep	9/30/04	<b>Taxation</b> ; revenue sharing; payments in lieu of taxes on state lands; revise calculation. ( <b>Sen. S. Johnson</b> )

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
356		1111	Yes	30-Sep	30-Sep	9/30/04	<b>Taxation</b> ; revenue sharing; payments to counties; revise calculation. ( <b>Sen. M. Switalski</b> )
357		1112	Yes	30-Sep	30-Sep	9/30/04	<b>Property tax</b> ; payment and collection; summer levy of county allocated millages; provide for. ( <b>Sen. M. Switalski</b> )
358		1062	Yes	30-Sep	30-Sep	9/30/04	<b>Appropriations</b> ; community colleges; community and junior colleges; provide appropriations for fiscal years 2003-2004 and 2004-2005. ( <b>Sen. S. Johnson</b> )
359	5864		Yes	30-Sep	30-Sep	9/30/04	<b>Law enforcement</b> ; fingerprinting; sunset on fees for fingerprinting and criminal record check; revise. ( <b>Rep. M. Sak</b> )
360	5527		Yes	30-Sep	30-Sep	9/30/04	<b>Appropriations</b> ; supplemental; supplemental appropriations; provide for fiscal year 2004-2005. ( <b>Rep. M. Shulman</b> )
361	5528		Yes	30-Sep	30-Sep	9/30/04 +	<b>Appropriations</b> ; transportation; department of transportation; provide for fiscal year 2004- <b>2005</b> . ( <b>Rep. M. Shulman</b> )
362	5802		Yes	4-Oct	4-Oct	10/4/04	<b>Traffic control</b> ; driver license; driver license provisions; revise and make related amendments. ( <b>Rep. G. DeRossett</b> )
363		1269	Yes	5-Oct	6-Oct	10/6/04	<b>Income tax</b> ; other; military family relief fund; create. ( <b>Sen. V. Garcia</b> )
364	5953		Yes	5-Oct	6-Oct	10/6/04 #	<b>Income tax</b> ; checkoff; funding for grants for certain reservists and National Guard individuals and families; provide for check-off option. ( <b>Rep. F. Sheen</b> )

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
365		774	Yes	7-Oct	7-Oct	10/7/04	<b>Economic development</b> ; local development financing; certified technology parks; revise deadline for designation. ( <b>Sen. V. Bernero</b> )
366	6208		Yes	7-Oct	7-Oct	10/7/04	<b>Property</b> ; conveyances; previous authorization to convey certain state owned property in Wayne county; revise. ( <b>Rep. C. Ward</b> )
367	5809		Yes	7-Oct	7-Oct	10/7/04	<b>Torts</b> ; liability; provisions of the common sense consumption act; enact. ( <b>Rep. D. Palsrok</b> )
368		1391	Yes	7-Oct	7-Oct	10/7/04	<b>Property</b> ; conveyances; transfer between state departments of certain state owned property in Ingham and Clinton counties; provide for. ( <b>Sen. C. Brown</b> )
369	5114		Yes	11-Oct	11-Oct	10/11/04	<b>Counties</b> ; boards and commissions; number of commissioners based on population category; limit. ( <b>Rep. M. Sak</b> )
370		1123	Yes	11-Oct	10/11	10/11/04	<b>Property</b> ; conveyances; conveyance of certain state owned property in Barry county; provide for. ( <b>Sen. P. Birkholz</b> )
371		1120	Yes	11-Oct	11-Oct	10/11/04	<b>Property</b> ; conveyances; certain state owned property in Mason county; provide for conveyance to the Mason county road commission. ( <b>Sen. G. Van Woerkom</b> )
372		1164	Yes	11-Oct	11-Oct	10/11/04	<b>Health facilities</b> ; nursing homes; payment for temporary absence of title 19 patients; clarify. ( <b>Sen. R. Emerson</b> )

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373	5432		Yes	11-Oct	11-Oct	10/11/2004	<b>Occupations</b> ; individual licensing and regulation; waiver from license or registration certain requirements for individuals serving on active military duty; provide for. <b>(Rep. J. Koetje)</b>
374	4361		Yes	11-Oct	11-Oct	10/11/2004	<b>Insurance</b> ; health care corporations; coverage for nurse midwives; provide for. <b>(Rep. T. Reeves)</b>
375	4362		Yes	11-Oct	11-Oct	10/11/2004	<b>Insurance</b> ; health; coverage for nurse midwives; provide for. <b>(Rep. T. Reeves)</b>
376	5472		Yes	11-Oct	11-Oct	10/11/2004	<b>Family law</b> ; friend of the court; certain criteria for determining "interests of the child"; clarify. <b>(Rep. K. Bradstreet)</b>
377	5313		Yes	12-Oct	12-Oct	10/12/2004	<b>Natural resources</b> ; other; deed restrictions on certain property conveyed by state; provide for removal of and for distribution of proceeds upon subsequent conveyance. <b>(Rep. M. Pumford)</b>
378	5906		Yes	12-Oct	12-Oct	10/12/2004	<b>Law enforcement</b> ; other; law enforcement agencies; allow certain public bodies to create. <b>(Rep. W. Van Regenmorter)</b>
379	5907		Yes	12-Oct	12-Oct	10/12/04 #	<b>Law enforcement</b> ; other; jurisdiction of commission on law enforcement standards; extend. <b>(Rep. W. Van Regenmorter)</b>
380	5121		Yes	12-Oct	12-Oct	10/12/04 #	<b>Education</b> ; school districts; creation of law enforcement agency by certain large urban school districts; allow. <b>(Rep. T. Hunter)</b>

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381	5771		Yes	12-Oct	12-Oct	10/12/2004	<b>Environmental protection</b> ; sewage; septage program fees; increase and revise regulation of land disposal of septage. (Rep. R. Johnson)
382	5772		Yes	12-Oct	12-Oct	10/12/04 #	<b>Environmental protection</b> ; sewage; sentencing guidelines for crime of knowingly making false report in domestic septage licensing application; enact. (Rep. R. Johnson)
383		1323	Yes	12-Oct	12-Oct	10/12/2004	<b>Gaming</b> ; lottery; advertising on lottery materials; allow. (Sen. S. Johnson)
384	5319		Yes	12-Oct	12-Oct	10/12/2004	<b>Transportation</b> ; funds; distribution of certain revenue from tax levied; clarify. (Rep. T. Casperson)
385		1340	Yes	12-Oct	12-Oct	10/12/2004	<b>State</b> ; escheats; certain unclaimed property by insurance companies subject to 2-year escheat period and notice provisions; modify. (Sen. M. Switalski)
386	6165		Yes	12-Oct	12-Oct	10/12/2004	<b>Economic development</b> ; other; state convention facility development act; revise distribution of funds. (Rep. C. Ward)
387	5782		Yes	12-Oct	12-Oct	10/12/2004	<b>Income tax</b> ; other; amendments to the Michigan education savings program act to incorporate federal options; provide for. (Rep. G. DeRossett)
388	5783		Yes	12-Oct	12-Oct	10/12/2004	<b>Higher education</b> ; financial aid; Michigan education trust fund act; revise. (Rep. G. DeRossett)

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389	5340		Yes	12-Oct	12-Oct	10/12/2004	<b>Property</b> ; conveyances; prior conveyance of certain state owned property in Macomb county; revise usage requirements. (Rep. L. Drolet)
390	6074		Yes	12-Oct	12-Oct	10/12/04	<b>Environmental protection</b> ; underground storage tanks; environmental protection regulatory fee; eliminate sunset and provide for expenditure of the regulatory fee. (Rep. M. Shulman)
391	6227		Yes	12-Oct	13-Oct	10/13/04	<b>Property tax</b> ; limitation; property tax limitation act; revise election date for 2004. (Rep. D. Sheltrown)
392		1280	Yes	15-Oct	15-Oct	10/15/04	<b>Recreation</b> ; state parks; citizens committee for Michigan state parks; establish. (Sen. P. Birkholz)
393		1146	Yes	15-Oct	15-Oct	10/15/04	<b>Health</b> ; code; sunset for quality assurance assessment on hospitals; extend. (Sen. R. Emerson)
394	5534		Yes	15-Oct	15-Oct	10/15/04	<b>Income tax</b> ; credit; contributions after a withdrawal from a Michigan education savings account; allow and clarify calculation of deduction. (Rep. G. DeRossett)
395		1281	Yes	15-Oct	15-Oct	10/15/04	<b>Recreation</b> ; state parks; gem of the parks award, state park volunteer of the year award, and state park employee of the year award; create. (Sen. T. Stamas)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
396		1206	Yes	15-Oct	15-Oct	10/15/04	<b>Economic development</b> ; enterprise zones; housing inspection ordinance provision; revise. ( <b>Sen. G. Van Woerkom</b> )
397	4766		Yes	15-Oct	15-Oct	4/15/05	<b>Health facilities</b> ; homes for the aged; emergency generator system; require as condition of licensure. ( <b>Rep. J. Pastor</b> )
398		1396	Yes	15-Oct	15-Oct	10/15/04	<b>Economic development</b> ; Michigan economic growth authority; eligibility for credit; revise. ( <b>Sen. V. Garcia</b> )
399	6231		Yes	15-Oct	15-Oct	10/15/04	<b>Education</b> ; examinations; timing of high school MEAP test; revise in school code. ( <b>Rep. B. Palmer</b> )
400	5118		Yes	10/20	10/20	10/20/04 #	<b>Health</b> ; blood; duties of the childhood lead poisoning prevention and control commission; provide for. ( <b>Rep. C. Kolb</b> )
401	5874		Yes	10/20	10/20	10/20/04	<b>Records</b> ; dental; written consent of patient required for disclosure of information related to the treatment; eliminate and require compliance with HIPAA. ( <b>Rep. J. Kooiman</b> )
402		1149	Yes	11/12	11/15	11/15/04	<b>Veterans</b> ; other; commemoration date for United States armed forces; provide for. ( <b>Sen. V. Garcia</b> )
403	4335		Yes	11/19	11/22	2/20/05 #	<b>Occupations</b> ; athletics; recodification of boxing statutes; provide for. ( <b>Rep. D. Robertson</b> )
404	4336		Yes	11/19	11/22	2/20/05 #	<b>Occupations</b> ; athletics; certain unarmed combat contests; exempt from penal code. ( <b>Rep. D. Robertson</b> )

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
405	6047		Yes	11/19	11/22	11/22/04	<b>Land use</b> ; planning; exclusionary zoning; define in context of joint planning. (Rep. C. Ward)
406		928	Yes	11/29	11/29	11/29/04	<b>Townships</b> ; charter; posting of township board notices, ordinances, and proceedings; allow to post on website and township hall. (Sen. T. George)
407	4458		Yes	11/29	11/29	11/29/04	<b>Liquor</b> ; retail sales; sale above the minimum retail selling price; allow. (Rep. S. Rocca)
408	4703		Yes	11/29	11/29	11/29/04	<b>Health</b> ; code; campgrounds and public swimming pools licensing requirements and fees; revise. (Rep. G. Whitmer)
409	5414		Yes	11/29	11/29	11/29/04	<b>Human services</b> ; medical services; notification to state regarding certain lawsuits; require. (Rep. M. Shulman)
410	5947		Yes	11/29	11/29	11/29/04 #	<b>Health</b> ; pharmaceuticals; health care false claims act; exempt certain rebates from medical supply companies to consumers. (Rep. B. Palmer)
411	5970		Yes	11/29	11/29	11/29/04 #	<b>Health</b> ; pharmaceuticals; health care false claims act; exempt certain rebates from drug companies to consumers. (Rep. G. Newell)
412	5457		Yes	11/29	11/29	7/1/06	<b>Education</b> ; intermediate school districts; random financial audits of intermediate school districts; require department of treasury to conduct. (Rep. B. Palmer)

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413	5475		Yes	11/29	11/29	7/1/06 #	<b>Education</b> ; intermediate school districts; internet accessible database regarding certain intermediate school district expenditures; require. (Rep. K. Bradstreet)
414	5627		Yes	11/29	11/29	1/1/05 #	<b>Education</b> ; intermediate school districts; certain information to be included in annual financial report; require. (Rep. R. Johnson)
415	5839		Yes	11/29	11/29	11/29/04	<b>Education</b> ; intermediate school districts; uses for special education and vocational education bond proceeds and millages; clarify and limit duration of intermediate school district millages. (Rep. R. Johnson)
416	5843		Yes	11/29	11/29	11/29/04	<b>Townships</b> ; public services; police authority; allow township to enter into more than 1 under certain circumstances. (Rep. P. LaJoy)
417	5850		No	11/29	11/29	**	<b>Education</b> ; school districts; certain penalties for misuse of certain school district or intermediate school district funds; provide for. (Rep. R. Johnson)
418	5851		No	11/29	11/29	** #	<b>Criminal procedure</b> ; sentencing guidelines; sentencing guidelines for crimes of failing to comply with school competitive bidding process and improper use of school bond proceeds; enact. (Rep. R. Johnson)

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419	5921		Yes	11/29	11/29	11/29/04	<b>Education</b> ; intermediate school districts; conflict of interest policy for intermediate school district officials and employees; require, prohibit member of constituent district board from serving on intermediate school board, and allow certain changes to composition of intermediate school boards. <b>(Rep. R. Johnson)</b>
420	4358		Yes	11/29	11/29	1/1/06	<b>Vehicles</b> ; trucks; length limit; increase to 65 feet for certain trucks, revise fines for misloaded trucks, and clarify procedures for weighing trucks with lift axles. <b>(Rep. G. DeRossett)</b>
421	5529		Yes	12/9	12/9	12/9/04	<b>Property</b> ; conveyances; certain state owned property in Ingham county and Kent county; provide for conveyances. <b>(Rep. M. Murphy)</b>

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422	5832		Yes	12/15	12/15	12/15/04	Consumer credit; other; conveyance of interest in real estate by mortgage; amend statutory form of conveyance. <b>(Rep. J. Rivet)</b>
423	5347		Yes	12/15	12/15	3/15/05	Crimes; penalties; operation of audiovisual recording function of a device in motion picture exhibition facilities; prohibit and prescribe penalties. <b>(Rep. M. Nofs)</b>
424	5336		Yes	12/15	12/15	12/15/04	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of audio visual recording function of a device in a motion picture facility; enact. <b>(Rep. J. Stakoe)</b>
425	6230		Yes	12/15	12/15	12/15/04	Education; examinations; timing of high school MEAP test; revise in school aid act. <b>(Rep. B. Palmer)</b>
426	4450		Yes	12/16	12/17	1/1/06	Vehicles; license plates; customization of military related specialty plates; allow. <b>(Rep. J. Hoogendyk)</b>
427	5544		Yes	12/16	12/17	12/17/04	Vehicles; license plates; vehicle eligibility for disabilities plate; revise weight standard. <b>(Rep. L. Julian)</b>
428	5971		Yes	12/16	12/17	12/17/04	Torts; liability; immunity for physicians, nurses, paramedics, and emergency medical technicians while assisting SWAT teams; provide for. <b>(Rep. R. Johnson)</b>
429	5656		Yes	12/20	12/20	12/20/04	State; purchasing; liability of architects and professional engineers who contract with this state; modify. <b>(Rep. C. Ward)</b>

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430		1453	Yes	12/16	12/20	12/20/04	Economic development; renaissance zones; renaissance zone criteria; modify. <b>(Sen. A. Cropsey)</b>
431		753	Yes	12/21	12/21	12/21/04	Health; blood; childhood lead poisoning prevention and control commission; create. <b>(Sen. M. Scott)</b>
432	5116		Yes	12/21	12/21	12/21/04	Health; other; lead safe housing registry; create. <b>(Rep. R. Richardville)</b>
433		756	Yes	12/21	12/21	12/21/04	Health; other; lead safe housing registry and lead poisoning prevention week; create and provide for. <b>(Sen. B. Hardiman)</b>
434		757	Yes	12/21	12/21	1/2/05	Crimes; other; renting housing unit with known lead hazard; prohibit under certain circumstances and provide penalties. <b>(Sen. H. Clarke)</b>
435		184	Yes	12/16	12/21	12/21/04	Use tax; collections; donation of a vehicle by a church to a charity recipient; eliminate use tax collection. <b>(Sen. V. Garcia)</b>
436	6101		Yes	12/16	12/21	12/21/04	Property; conveyances; conveyance of certain parcels of state owned property in Branch county and Berrien county; provide for. <b>(Rep. B. Caswell)</b>
437	5415		Yes	12/16	12/21	12/21/04	Economic development; plant rehabilitation; procedure for a municipality to rescind an industrial development district; provide for under certain circumstances. <b>(Rep. G. DeRossett)</b>

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438	6020		Yes	12/16	12/21	12/21/04	Holidays; "Police Officers Memorial Day"; establish. <b>(Rep. S. Rocca)</b>
439	5194		Yes	12/16	12/21	12/21/04	Natural resources; other; election for the directors of the conservation district; allow for by mail-in absentee ballot. <b>(Rep. D. Sheltrown)</b>
440	5645		Yes	12/16	12/21	12/21/04	Counties; employees and officers; register of deeds appointment of a deputy; expand to "1 or more deputies". <b>(Rep. S. Caul)</b>
441	5724		Yes	12/16	12/21	12/21/04	Property tax; payment and collection; return of taxes collected and disbursed by local tax collecting unit under certain circumstances; provide for. <b>(Rep. B. Palmer)</b>
442	5725		Yes	12/16	12/21	12/21/04	Property tax; other; industrial facilities tax; amend to include the date in which a lien is attached to the real or personal property. <b>(Rep. B. Palmer)</b>
443	5726		Yes	12/16	12/21	12/21/04	Property tax; payment and collection; return of taxes collected and remitted to the department of treasury by local tax collecting unit under certain circumstances; provide for. <b>(Rep. B. Palmer)</b>
444	6245		Yes	12/16	12/22	12/22/04	Health facilities; hospitals; medicare rural hospital flexibility program; designate certain hospitals as rural. <b>(Rep. M. Ann Middaugh)</b>

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445	4969		Yes	12/21	12/27	12/27/04	Human services; services or financial assistance; individual development account program for certain individuals; increase asset disregard amount. <b>(Rep. P. Condino)</b>
446	6242		Yes	12/21	12/27	12/27/04	Higher education; community colleges; election of trustee by annexed school district; limit to annexations occurring before July 1, 2004. <b>(Rep. B. Caswell)</b>
447	4817		Yes	12/21	12/27	12/27/04	Liens; mortgages; deadline for filing a discharge of mortgage with register of deeds and penalties for noncompliance; revise. <b>(Rep. D. Farhat)</b>
448	6226		Yes	12/21	12/27	12/27/04	Courts; court of appeals; location of offices of judges of court of appeals; prescribe. <b>(Rep. J. Howell)</b>
449	6243		Yes	12/27	12/27	12/27/04	Natural resources; mining; nonferrous metallic mining and reclamation; regulate. <b>(Rep. T. Casperson)</b>
450		1387	Yes	12/21	12/28	3/28/05	Civil procedure; civil actions; motion picture piracy violations; clarify liability. <b>(Sen. A. Sanborn)</b>
451		1386	Yes	12/21	12/28	3/28/05	Civil procedure; civil actions; certain misconduct; clarify liability of owner or lessee of a facility where a motion picture is exhibited. <b>(Sen. A. Sanborn)</b>

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
452		792	Yes	12/22	12/28	3/1/05	Consumer protection; privacy; identity theft protection act; create. <b>(Sen. M. Bishop)</b>
453		793	Yes	12/22	12/28	3/1/05	Criminal procedure; jurisdiction; crime of obtaining personal identity information of another with intent to unlawfully use the information; clarify. <b>(Sen. G. Van Woerkom)</b>
454		795	Yes	12/22	12/28	3/1/05	Consumer protection; privacy; social security number privacy act; establish and provide penalties and remedies. <b>(Sen. N. Cassis)</b>
455		798	Yes	12/22	12/28	3/1/05	Consumer credit; other; denial of credit to identity theft victims; prohibit. <b>(Sen. A. Sanborn)</b>
456		1384	Yes	12/22	12/28	3/1/05	Crime victims; rights; right of victim of identity theft to obtain police report of identity theft from law enforcement agency; establish. <b>(Sen. L. Toy)</b>
457	6169		Yes	12/22	12/28	3/1/05	Criminal procedure; sentencing guidelines; sentencing guidelines for crimes of identity theft and obtaining, possessing, or transferring personal identifying information of another with intent to commit identity theft; establish. <b>(Rep. W. Van Regenmorter)</b>

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458	6172		Yes	12/22	12/28	3/1/05	Criminal procedure; statute of limitations; tolling of statute of limitations in certain cases of or related to identity theft; provide for. <b>(Rep. M. Milosch)</b>
459	6174		Yes	12/22	12/28	3/1/05	Consumer protection; privacy; certain violations of identity protection act; create remedy in Michigan consumer protection act. <b>(Rep. M. Nofs)</b>
460	6177		Yes	12/22	12/28	3/1/05	Crimes; electronic surveillance; capturing or disseminating certain personal identifying information without consent; prohibit and provide penalties. <b>(Rep. S. Rocca)</b>
461		220	Yes	12/27	12/28	3/1/05	Trade; fair trade practices; credit card receipt; prohibit expiration date and full account number from being printed on receipt. <b>(Sen. V. Garcia)</b>
463		1485	Yes	12/27	12/28	12/28/04	Property tax; special assessments; population limit for cities levying police and fire special assessment; increase. <b>(Sen. M. Goschka)</b>
464	6338		Yes	12/27	12/28	12/28/04	Property tax; special assessments; population limit for cities levying police and fire special assessment; increase. <b>(Rep. J. Howell)</b>
465		1369	Yes	12/27	12/28	12/28/04	Courts; funding; portion of unexpended funds in the juror compensation fund; allow to be transferred into the general fund. <b>(Sen. M. Switalski)</b>

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466		1368	Yes	12/27	12/28	12/28/04	Courts; funding; portion of unexpended funds in the judicial technology improvement fund; allow to transfer into the general fund for fiscal year 2004-2005. <b>(Sen. M. Prusi)</b>
467		1143	Yes	12/27	12/28	12/28/04	Records; other; vital records fees; increase. <b>(Sen. B. Leland)</b>
468		1130	Yes	12/27	12/28	12/28/04	Agriculture; associations and commissions; state exposition and fairgrounds council; change to state exposition and fairgrounds authority and transfer to department of management and budget by type I transfer. <b>(Sen. C. Brown)</b>
469		576	Yes	12/27	12/28	12/28/04	Health facilities; certificate of need; fees for review of construction permits and certificate of need applications; increase. <b>(Sen. R. Emerson)</b>
470	6009		Yes	12/27	12/28	12/28/04	Children; services; certain powers of the Michigan children's institute superintendent and certain practices of the family independence agency regarding the Michigan children's institute; revise. <b>(Rep. L. Hager)</b>
471	6284		Yes	12/22	12/28	12/28/04	Financial institutions; credit unions; general amendments; provide for. <b>(Rep. D. Palsrok)</b>

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472	5920		Yes	12/22	12/28	12/28/04	Transportation; motor carrier fuel tax; provision regarding joint and several liability between lessors and lessees for fuel taxes on commercial motor vehicles; eliminate. <b>(Rep. J. Kooiman)</b>
473	6310		Yes	12/21	12/28	12/28/04	Children; guardians; provision regarding guardian ad litem; revise. <b>(Rep. J. Howell)</b>
474	5668		Yes	12/21	12/28	12/28/04	Taxation; tobacco; penalties for counterfeit tobacco products; provide for. <b>(Rep. L. Julian)</b>
475		1444	Yes	12/21	12/28	12/28/04	Juveniles; other; juvenile code revisions; provide for. <b>(Sen. A. Cropsey)</b>
476		1441	Yes	12/21	12/28	12/28/04	Children; services; review process of child's placement in foster care; revise. <b>(Sen. V. Bernero)</b>
477		1440	Yes	12/21	12/28	12/28/04	Juveniles; other; provision to clarify review hearing process after a child is removed; provide for. <b>(Sen. M. Bishop)</b>
478		773	Yes	12/21	12/28	12/28/04	Crimes; obscenity; reporting protections for internet child pornography encountered in the scope of work; expand to include computer technicians. <b>(Sen. S. Thomas)</b>
479	4788		Yes	12/21	12/28	12/28/04	Housing; affordable; Michigan housing and community development fund; create. <b>(Rep. T. Reeves)</b>
480	4787		Yes	12/21	12/28	12/28/04	Housing; affordable; Michigan housing and community development program; establish in the Michigan state housing development authority. <b>(Rep. J. Kooiman)</b>

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481		1450	Yes	12/21	12/28	10/1/05	Probate; wills and estates; personal representative; require notice of identifying surviving spouse, heirs, and devisees be given to friend of the court. <b>(Sen. G. Van Woerkom)</b>
482		1449	Yes	12/21	12/28	12/28/04	Insurance; insurers; disclosure of certain information to assist in the collection of child support arrearages; permit. <b>(Sen. T. Stamas)</b>
483		1448	Yes	12/21	12/28	10/1/05	Children; support; requirement for the title IV-D agency to notify the child support lien network; provide for. <b>(Sen. B. Patterson)</b>
484		1447	Yes	12/21	12/28	1/1/06	Children; support; collection of arrearages under statutory lien; clarify assets to which lien applies and change levy process for certain assets. <b>(Sen. B. Hammerstrom)</b>
485		1243	Yes	12/21	12/28	12/28/04	Highways; name; portion of I-69; designate as the "Purple Heart Trail". <b>(Sen. C. Brown)</b>
485		1243	Yes	12/21	12/28	12/28/04	Highways; name; portion of I-69; designate as the "Purple Heart Trail". <b>(Sen. C. Brown)</b>
486	6008		Yes	12/22	12/28	12/28/04	Children; adoption; abused or neglected adoption cases; revise requirements for hearings on certain motions. <b>(Rep. L. Hager)</b>
487	6010		Yes	12/22	12/28	12/28/04	Children; adoption; petition for adoption; clarify jurisdiction and standing issues. <b>(Rep. A. Hardman)</b>

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488	6033		No	12/27	12/28	3/30/05	State; historic sites; Ronald Wilson Reagan memorial monument fund; create. <b>(Rep. L. Drolet)</b>
489		1317	Yes	12/27	12/28	12/28/04	State; historic sites; the Ronald Wilson Reagan memorial monument fund commission; create. <b>(Sen. W. Kuipers)</b>
490		517	Yes	12/27	12/28	12/28/04	Retirement; municipal employees; amendments to expand definitions of eligible entities; provide for. <b>(Sen. B. Hammerstrom)</b>
491	5670		Yes	12/28	12/28	1/12/05	Administrative procedure; joint committee; procedure for objecting to rules; modify. <b>(Rep. J. Pappageorge)</b>
492		823	No	12/27	12/29	3/30/05	Courts; judges; probate districts and certain probate and district jurisdiction; revise. <b>(Sen. A. Cropsey)</b>
493	5364		Yes	12/27	12/29	10/1/05	Vehicles; abandoned; provisions concerning abandoned vehicles; revise. <b>(Rep. K. Daniels)</b>
494		1171	Yes	12/27	12/29	12/29/04	Environmental protection; litter; definition of litter; expand to include abandoned vehicles. <b>(Sen. G. Van Woerkom)</b>

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495	4231		Yes	12/27	12/29	12/29/04	Vehicles; abandoned; procedure for removal of abandoned vehicles; revise, regulate certain business practices of certain automobile dealers, and revise certain licensing procedures for individuals hauling hazardous materials. <b>(Rep. J. Koetje)</b>
496		683	No	12/27	12/29	3/30/05	Mental health; code; definition of "person requiring treatment"; expand. <b>(Sen. T. George)</b>
497		684	No	12/27	12/29	3/30/05	Mental health; code; order for assisted outpatient treatment; allow court to issue. <b>(Sen. B. Patterson)</b>
498		685	No	12/27	12/29	3/30/05	Mental health; code; assisted outpatient treatment program; include as alternative to hospitalization. <b>(Sen. V. Bernero)</b>
499		686	No	12/27	12/29	3/30/05	Mental health; code; definition of "assisted outpatient treatment"; include in the mental health code. <b>(Sen. G. Jacobs)</b>
500		072	No	12/29	12/29	3/30/05	Higher education; other; student pregnant and parenting program; create program and fund. <b>(Sen. A. Sanborn)</b>

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501	5637		Yes	12/29	12/29	12/29/04	Health facilities; other; matching grant program for the purchase of ultrasound machines by certain qualified entities; provide for. <b>(Rep. J. Hoogendyk)</b>
502		817	Yes	12/29	12/29	12/29/04	Health; anatomical gifts; organ and tissue donation education fund; create and provide license applicant with opportunity to make a donation to the fund. <b>(Sen. L. Toy)</b>
503	5468		No	No	12/29	***	Income tax; credit; marriage preservation tax credit; provide for. <b>(Rep. J. Stahl)</b>
504	5469		No	No	12/29	***	Family law; marriage and divorce; criteria for program to qualify for marriage preservation tax credit; establish. <b>(Rep. L. Hager)</b>
505	5470		No	No	12/29	***	Family law; marriage and divorce; divorce; require an educational predivorce program. <b>(Rep. B. Vander Veen)</b>
506	5471		No	No	12/29	***	Children; children's rights; parenting plan procedures and content; add to child custody act. <b>(Rep. J. Moolenaar)</b>
507	5473		No	No	12/29	***	Family law; marriage and divorce; recording of certain information on marriage license and certificate; require. <b>(Rep. L. Wojno)</b>
508	5474		Yes	No	12/29	***	Family law; marriage and divorce; individuals who can accept payment and perform marriage and family counseling; expand. <b>(Rep. J. Gleason)</b>

\* - I.E. means Legislature voted to give the Act immediate effect.

\*\* - Act takes effect on the 91<sup>st</sup> day after *sine die* adjournment of the Legislature.

\*\*\* - See Act for applicable effective date.

+ - Line item veto

# - Tie bar



Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
509		1434	Yes	12/30	1/3	1/3/05	Property; conveyances; former transfer of certain state owned property in Otsego county; amend. <b>(Sen. T. Stamas)</b>
510		677	Yes	12/30	1/3	1/3/05	Construction; public buildings; construction requirements for school building construction; exempt certain used modular classrooms. <b>(Sen. R. Jelinek)</b>
511		736	Yes	12/30	1/3	1/3/05	Vehicles; trailers; width restriction for trailers and semitrailers; revise. <b>(Sen. R. Jelinek)</b>
512		1075	Yes	12/30	1/3	1/3/05	Health; occupations; duties of physician who supervises a physician's assistant; clarify. <b>(Sen. T. George)</b>
513		1105	Yes	1/3	1/3	1/3/05	Property tax; other; payments in lieu of taxes on certain state lands; revise payment and valuation procedures. <b>(Sen. S. Johnson)</b>
514		1129	Yes	12/30	1/3	4/1/05	Health; diseases; HIV reporting; eliminate clinical laboratory exemption and revise reporting requirements. <b>(Sen. V. Bernero)</b>
515		1267	Yes	12/30	1/3	1/3/05	Law enforcement; communications; alternate uses for 9-1-1 databases; allow. <b>(Sen. J. Gilbert)</b>
516		1383	Yes	12/30	1/3	1/3/05	Counties; other; installment contracts; allow for county road commissions. <b>(Sen. J. Gilbert)</b>
517		1432	Yes	1/3	1/3	1/3/05	Water; other; watershed alliances; provide for. <b>(Sen. B. Patterson)</b>

\* - I.E. means Legislature voted to give the Act immediate effect.

\*\* - Act takes effect on the 91<sup>st</sup> day after *sine die* adjournment of the Legislature.

\*\*\* - See Act for applicable effective date.

+ - Line item veto

# - Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
518		1193	Yes	1/3	1/3	1/3/05	Appropriations; zero budget; multisection school aid; provide for fiscal year 2004-2005. <b>(Sen. S. Johnson)</b>
519		1175	Yes	12/30	1/3	4/1/05	Criminal procedure; sentencing guidelines; sentencing guidelines for crimes related to damage or destruction of research property; establish. <b>(Sen. T. George)</b>
520		1176	Yes	12/30	1/3	4/1/05	Crimes; malicious destruction; increased penalties for damaging or destroying research property or research; establish. <b>(Sen. T. George)</b>
521		1201	Yes	1/3	1/3	1/3/05	Economic development; downtown development authorities; procedure to form a joint downtown development authority; provide for. <b>(Sen. M. McManus)</b>
522		1266	Yes	1/3	1/3	3/1/05	Drains; drain commissioners; lake improvement boards; provide for drain commissioner designee to lake board, local maintenance of records, and adding administrative costs to assessments. <b>(Sen. M. Bishop)</b>
523		1287	Yes	12/30	1/3	4/1/05	Crimes; explosives; manufacture, sale, or possession of certain explosive or combustible substance or device; prohibit and provide penalties. <b>(Sen. J. Gilbert)</b>

\* - I.E. means Legislature voted to give the Act immediate effect.

\*\* - Act takes effect on the 91<sup>st</sup> day after *sine die* adjournment of the Legislature.

\*\*\* - See Act for applicable effective date.

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# - Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
524		1288	Yes	12/30	1/3	4/1/05	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of manufacturing, selling, or possessing explosive or incendiary substance or device; enact. <b>(Sen. G. Van Woerkom)</b>
525		1416	Yes	1/3	1/3	7/1/05	Land use; land division; approval process for subdivision plats; revise. <b>(Sen. P. Birkholz)</b>

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\*\*\* - See Act for applicable effective date.

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
Veto	4160					5/7/04	<b>Labor</b> ; hours and wages; future living wage ordinances; prohibit. <b>(Rep. F. Sheen)</b>
Veto	4463					3/5/04	<b>Vehicles</b> ; license plates; fund-raising plate for cancer awareness; create. <b>(Rep. D. Robertson)</b>
Veto	4478					2/6/04	<b>Family law</b> ; parental rights; process for judicial waiver of parental consent requirement; clarify. <b>(Rep. W. O'Neil)</b>
Veto	4693					2/20/04	<b>Education</b> ; other; educational flexibility and empowerment contracts waiving certain statutory and administrative requirements as part of performance contract; allow. <b>(Rep. B. Palmer)</b>
Veto	4702					4/15/04	<b>Property tax</b> ; assessments; sale of certain agricultural property; exclude from sales ratio studies under certain circumstances. <b>(Rep. B. Caswell)</b>
Veto	4720					4/7/04	<b>State; purchasing</b> ; cooperative purchasing program between public schools and the department of management and budget; create. <b>(Rep. P. LaJoy)</b>
Veto	4722					4/7/04	<b>Education</b> ; financing; inapplicability of certain requirements for school district purchasing if school district makes purchase through cooperative program with state; provide for. <b>(Rep. J. Moolenaar)</b>
Veto	4724					2/20/04	<b>School aid</b> ; other; school aid requirements; make subject to educational flexibility and empowerment contracts. <b>(Rep. J. Emmons)</b>

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
Veto	5113					10/11/04	<b>Counties</b> ; charter; number of commissioners based on population category; limit. (Rep. J. Kooiman)
Veto	5190					4/7/04	<b>State agencies (existing)</b> ; generally; consolidation of state agencies' human resources departments; provide for. (Rep. P. LaJoy)
Veto	5335					5/28/04	<b>Economic development</b> ; enterprise zones; start-up businesses in neighborhood enterprise zone; exempt for certain period of time. (Rep. J. Stakoe)
Veto	5341					5/28/04	<b>Property tax</b> ; exemptions; start-up businesses; exempt from taxes for 5 years if approved by local governmental unit. (Rep. M. Milosch)
Veto	5342					5/28/04	<b>Economic development</b> ; enterprise zones; start-up businesses in an enterprise zone; exempt for a certain period of time. (Rep. G. Steil)
Veto	5343					5/28/04	<b>Economic development</b> ; obsolete property; start-up businesses; exempt for a certain period of time. (Rep. S. Hummel)
Veto	5345					5/28/04	<b>Income tax</b> ; city; start-up business; credit for certain tax years under certain circumstances. (Rep. D. Farhat)
Veto	5434					3/29/04	<b>Income tax</b> ; forms; requirement for electronic filing of tax returns; prohibit for 1 year. (Rep. S. Taub)
Veto	5440					3/29/04	<b>Single business tax</b> ; forms; requirement for tax preparers to submit tax returns by E-filing; prohibit for 1 year. (Rep. J. Emmons)

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
Veto	5479					4/7/04	<b>Courts</b> ; district court; additional district judgeship in Mecosta-Osceola district; provide for and create election divisions. (Rep. J. Howell)
Veto	5480					4/7/04	<b>Courts</b> ; circuit court; additional circuit judgeship in Clare-Gladwin circuit; provide for. (Rep. J. Howell)
Veto		145				10/15/04	<b>Highways</b> ; construction and repair; closing a road that services another community; allow for hearing. (Sen. M. Bishop)
Veto		320				6/28/04	<b>Labor</b> ; youth employment; youth employment standards; revise maximum number of hours a minor may work. (Sen. T. Stamas)
Veto		474				1/9/04	<b>Financial institutions</b> ; other; regulation and licensing of deferred presentment service providers and transactions; provide for. (Sen. V. Garcia)
Veto		647				6/8/04	<b>Labor</b> ; health and safety; definition of "wilful" MIOSHA violation; provide for and clarify procedure for obtaining interview statements during an inspection. (Sen. B. Patterson)
Veto		785				3/5/04	<b>Vehicles</b> ; license plates; procedures to establish and issue fund-raising plates; revise. (Sen. B. Patterson)
Veto		788				4/7/04	<b>Courts</b> ; judges; number of judgeships in the seventeenth judicial circuit; increase. (Sen. B. Hardiman)

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\*\*\* - See Act for applicable effective date.

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
Veto		829				4/7/04	<b>Courts</b> ; circuit court; sixteenth judicial circuit; allow additional judgeship. ( <b>Sen. A. Sanborn</b> )
Veto		841				4/12/04	<b>Economic development</b> ; other; manufacturing czar; create. ( <b>Sen. W. Kuipers</b> )
Veto		863				5/28/04	<b>Income tax</b> ; exemptions; start-up business; credit for certain tax years under certain circumstances. ( <b>Sen. B. Hardiman</b> )
Veto		865				5/28/04	<b>Property tax</b> ; other; start-up businesses; exempt from tax under 1953 PA 189 for 5 years if approved by local governmental unit. ( <b>Sen. V. Bernero</b> )
Veto		867				5/28/04	<b>Taxation</b> ; specific property; start-up businesses in commercial forests; exempt for a certain period of time. ( <b>Sen. G. Van Woerkom</b> )
Veto		869				5/28/04	<b>Economic development</b> ; plant rehabilitation; start-up businesses; exempt for certain period of time. ( <b>Sen. P. Birkholz</b> )
Veto		872				5/28/04	<b>Economic development</b> ; other; start-up businesses in a technology park development; exempt for a certain period of time. ( <b>Sen. B. Patterson</b> )
Veto		875				5/28/04	<b>Taxation</b> ; utility users; start-up businesses; exempt from tax for certain tax years under certain circumstances. ( <b>Sen. J. Gilbert</b> )
Veto		953				11/19/04	<b>State</b> ; funds; loans to certain farmers for qualified agricultural energy production; provide for. ( <b>Sen. C. Brown</b> )

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
Veto		955				11/19/04	Property tax; exemptions; methane digester and methane digester electric generating system; exempt. <b>(Sen. C. Brown)</b>
Veto		959					Family law; marriage and divorce; individuals who can accept payment and perform marriage and family counseling; expand. <b>(Sen. M. McManus)</b>
Veto		961					Family law; marriage and divorce; criteria for program to qualify for marriage preservation tax credit; establish. <b>(Sen. A. Cropsey)</b>
Veto		963					Family law; marriage and divorce; recording of certain information on marriage license and certificate; require. <b>(Sen. B. Hardiman)</b>
Veto		964					Family law; marriage and divorce; prerequisites for issuance of a marriage license; require premarriage program or longer waiting period. <b>(Sen. A. Sanborn)</b>
Veto		966					Children; children's rights; parenting plan procedures and content; add to child custody act. <b>(Sen. W. Kuipers)</b>
Veto		1076				12/28/04	Mental health; community mental health; board membership on certain community mental health services board; revise. <b>(Sen. B. Hammerstrom)</b>

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\*\*\* - See Act for applicable effective date.

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
Veto		1079				12/28/04	Mental health; community mental health; voluntary status as community mental health authority; revise in certain instances. <b>(Sen. S. Johnson)</b>
Veto		1093				5/18/04	Single business tax; credit; percentage of compensation cost of credited jobs through 2009; provide for credit. <b>(Sen. C. Brown)</b>
Veto		1150					Insurance; health maintenance organizations; requirement for benefit plan offered by a health maintenance organization to include basic health services; eliminate but require preventive health services. <b>(Sen. B. Hardiman)</b>
Veto		1185				12/28/04	Property tax; payment and collection; penalties and interest on personal property; modify. <b>(Sen. N. Cassis)</b>
Veto		1279				10/15/04	Income tax; checkoff; Michigan state park endowment fund; provide for check-off option. <b>(Sen. J. Allen)</b>
Veto		1321					Consumer protection; retail installment sales; motorcycle dealers; regulate and include in motor vehicle sales finance act. <b>(Sen. J. Allen)</b>
Veto		1329				12/28/04	Natural resources; other; operation of snowmobiles; allow on right-of-way of limited access highways. <b>(Sen. J. Allen)</b>
Veto		1463					Courts; district court; election districts within the eighth judicial district; eliminate. <b>(Sen. T. George)</b>

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\*\* - Act takes effect on the 91<sup>st</sup> day after *sine die* adjournment of the Legislature.

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# - Tie bar

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**MICHIGAN ADMINISTRATIVE CODE TABLE**  
**(2005 SESSION)**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\*       \*       \*

*(i) Other official information considered necessary or appropriate by the office of regulatory reform.”*

*The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).*

**MICHIGAN ADMINISTRATIVE CODE TABLE  
(2005 RULE FILINGS)**

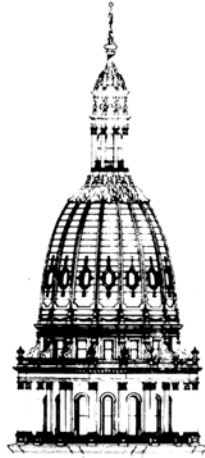
R Number	Action	2005 MR Issue	R Number	Action	2005 MR Issue	R Number	Action	2005 MR Issue
282.10	R	1	299.4315	*	2	400.1816	R	2
282.20	R	1	299.4318	*	2	400.1817	R	2
282.30	R	1	299.4319	*	2	400.1818	R	2
282.40	R	1	299.4412	*	2	400.1821	R	2
282.50	R	1	299.4439	*	2	400.1822	R	2
125.1305	*	2	299.444	*	2	400.1831	R	2
125.1315	*	2	299.4441	*	2	400.1832	R	2
282.60	R	1	299.4442	*	2	400.1833	R	2
282.70	R	1	299.4443	*	2	400.1834	R	2
282.80	R	1	299.4444	*	2	400.1835	R	2
282.90	R	1	299.4445	*	2	400.1841	R	2
282.10	R	1	299.4451	*	2	400.1842	R	2
282.11	R	1	299.4453	*	2	400.1851	R	2
282.21a	R	1	299.4907	*	2	400.1901	A	2
282.21b	R	1	299.4908	*	2	400.1902	A	2
282.22	R	1	338.108	*	1	400.1903	A	2
282.23	R	1	338.256	*	1	400.1904	A	2
282.24	R	1	338.256a	*	1	400.1905	A	2
282.51	R	1	338.256b	*	1	400.1906	A	2
282.52	R	1	338.257	*	1	400.1907	A	2
282.53	R	1	338.275	*	1	400.1908	A	2
285.50.1	R	1	338.2303	*	1	400.1909	A	2
285.50.2	R	1	400.1801	R	2	400.191	A	2
285.50.3	R	1	400.1802	R	2	400.1911	A	2
285.50.4	R	1	400.1803	R	2	400.1912	A	2
285.50.5	R	1	400.1804	R	2	400.1913	A	2
285.50.6	R	1	400.1805	R	2	400.1914	A	2
285.50.7	R	1	400.1806	R	2	400.1915	A	2
285.50.8	R	1	400.1807	R	2	400.1916	A	2
285.50.9	R	1	400.1808	R	2	400.1917	A	2
285.50.10	R	1	400.1809	R	2	400.1918	A	2
285.50.11	R	1	400.181	R	2	400.1919	A	2
285.50.12	R	1	400.1811	R	2	400.192	A	2
299.4102	*	2	400.1812	R	2	400.1921	A	2
299.4103	*	2	400.1813	R	2	400.1922	A	2
299.4105	*	2	400.1814	R	2	400.1923	A	2
299.4307	*	2	400.1815	R	2	400.1924	A	2

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

2005 MR 2 – February 15, 2005

R Number	Action	2005 MR Issue	R Number	Action	2005 MR Issue	R Number	Action	2005 MR Issue
400.1931	A	2	418.10104	*	2	418.10121	*	2
400.1932	A	2	418.10107	*	2	418.10121	*	2
400.1933	A	2	418.10108	*	2	418.10121	*	2
400.1934	A	2	418.10109	*	2	418.10121	*	2
400.1935	A	2	418.10110	*	2	418.10121	*	2
400.1936	A	2	418.10111	*	2	418.10130	*	2
400.1941	A	2	418.10115	*	2	418.10130	*	2
400.1942	A	2	418.10117	*	2	418.10130	*	2
400.1943	A	2	418.10118	*	2	418.10140	*	2
400.1944	A	2	418.10120	*	2	418.10140	*	2
400.1945	A	2	418.10404	*	2	418.10150	*	2
400.1951	A	2	418.10701	*	2	418.10150	*	2
400.1952	A	2	418.10901	*	2	418.10150	*	2
400.1961	A	2	418.10902	*	2	484.501	A	2
400.1962	A	2	418.10904	*	2	484.502	A	2
400.1963	A	2	418.10907	*	2	484.503	A	2
400.1971	A	2	418.10912	*	2	484.504	A	2
408.893	*	1	418.10915	*	2	484.505	A	2
408.4071	*	1	418.10921	*	2	484.506	A	2
408.4071	*	1	418.10923	*	2	484.507	A	2
408.4071	*	1	418.10923B	A	2	484.508	A	2
408.4071	*	1	418.10925	*	2	484.509	A	2
408.4071	*	1	418.10100	*	2	484.51	A	2
408.4071	*	1	418.10100	*	2	484.511	A	2
408.4071	*	1	418.10100	*	2	484.512	A	2
408.4072	*	1	418.10100	*	2			
408.4072	*	1	418.10102	*	2			
408.4072	*	1	418.10102	*	2			
408.4073	*	1	418.10102	*	2			
408.4073	*	1	418.10102	*	2			
408.4074	*	1	418.10102	A	2			
408.4075	*	1	418.10110	*	2			
408.4075	*	1	418.10110	*	2			
408.4076	*	1	418.10110	*	2			
408.4076	*	1	418.10110	*	2			
418.10101	*	2	418.10111	*	2			
418.10103	*	2	418.10120	*	2			

(\* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)



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